



NOTICE

THE MAYOR HAS CALLED

A SPECIAL MEETING OF COUNCIL

AT 6:00 P.M.

TUESDAY, DECEMBER 1, 2020

TO DISCUSS THE FOLLOWING:

- PERSONAL MATTERS ABOUT AN IDENTIFIABLE INDIVIDUAL, INCLUDING MUNICIPAL OR LOCAL BOARD EMPLOYEES;
 - *Citizen appointment to the City of Welland Heritage Advisory Committee and Accessibility Advisory Committee.*
 - *Personnel Matter - Interim CAO*
- LITIGATION OR POTENTIAL LITIGATION, INCLUDING MATTERS BEFORE ADMINISTRATIVE TRIBUNALS, AFFECTING THE MUNICIPALITY OR LOCAL BOARD; AND
- ADVICE THAT IS SUBJECT TO SOLICITOR-CLIENT PRIVILEGE, INCLUDING COMMUNICATIONS NECESSARY FOR THAT PURPOSE;
 - *Planning Matters update.*

AND

IN OPEN SESSION

FOLLOWED BY THE
REGULAR COUNCIL MEETING AT 7:00 P.M.

TO CONSIDER ANY CORRESPONDENCE, REPORTS, AND BY-LAWS.

***Due to COVID-19 and the closure of the Civic Square
All Electronic Meetings can be viewed at:***

City of Welland website: <https://www.welland.ca/Council/LiveStream.asp>

YourTV: The meeting will be aired on channel 700 on December 3, 2020 at 8:00 p.m.

**Tara Stephens,
City Clerk**



**SPECIAL COUNCIL MEETING
FOLLOWED BY REGULAR COUNCIL MEETING**

Tuesday, December 1, 2020

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**1. COMMITTEE-OF-THE-WHOLE (IN-CAMERA) (6:00 p.m.)
(See yellow tab)**

- Personal matters about an identifiable individual, including municipal or local board employees;
 - *Citizen appointments to the City of Welland Heritage Advisory Committee and Accessibility Advisory Committee.*
 - *Personnel Matter - Interim CAO.*
- Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; and
- Advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
 - *Planning Matters update.*

2. ARISE FROM COMMITTEE-OF-THE-WHOLE (IN-CAMERA)

**3. OPEN SPECIAL COUNCIL MEETING FOLLOWED BY REGULAR COUNCIL MEETING
AT 7:00 P.M.**

3.1 NATIONAL ANTHEM

3.2 OPENING REMARKS

3.3 ADDITIONS/DELETIONS TO AGENDA

3.4 ADOPTION OF MINUTES

Regular Council Meeting of November 3, 2020 and Special Council Meetings of November 10 and 24, 2020 (*Previously Distributed*).

**3.5 CALL UPON THE CITY CLERK TO REVIEW COMMITTEE-OF-THE-WHOLE
ITEMS (IN-CAMERA) TO BE ADDED TO BLOCK**

3.6 DISCLOSURES OF INTEREST



**SPECIAL COUNCIL MEETING – Page 2
FOLLOWED BY REGULAR COUNCIL MEETING**

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- 3.7 COUNCILLORS TO DETERMINE AGENDA ITEMS AND BY-LAWS TO BE REMOVED FROM BLOCK FOR DISCUSSION IN COMMITTEE-OF-THE-WHOLE (OPEN) (See pink tab)**
- 4. ORAL REPORTS AND DELEGATIONS**
- 4.1 PRESENTATION(S) - Nil**
- 4.2 DELEGATION(S) (maximum 5/10/5 policy)**
- 20-28** Adrienne Jugley, Commissioner, Community Services, Region of Niagara and Jon Braithwaite, Chief Executive Officer, The Hope Centre re: Update on Homeless Services in Niagara Region.
(Background information included in Council members agenda).
- 4.3 AGENCIES, BOARDS, COMMISSIONS AND COMMITTEES REPORT(S)**
- 20-4** Councillor McLeod, Chair, Budget Review Committee - meetings of November 16 and 23, 2020.
- 4.4 LEGISLATED PUBLIC MEETING PURSUANT TO SECTION 357/358 OF THE MUNICIPAL ACT, 2001.**
- Applicants who object to the recommendation may provide their submissions/comments in writing to clerk@welland.ca, or mail to City Clerk, 60 East Main Street, Welland, ON L3B 3X4. All submissions will be forwarded to Welland City Council.*
- 20-4** Public Meeting pursuant to Section 357/358 of the *Municipal Act, 2001* regarding Tax Write-Offs.
(See Report FIN-2020-19, pages 177 to 179)
- 5. COMMITTEE-OF-THE-WHOLE (OPEN)
(to discuss items removed from Agenda Block)**
- 6. BY-LAWS (SEE AGENDA INDEX)**



**SPECIAL COUNCIL MEETING – Page 3
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7. NOTICES OF MOTION

7.1 Councillor matters discussed with staff for reporting purposes

7.2 Notices of Motion (previously submitted for discussion) - Nil

7.3 Call for Notices of Motion (for introduction at the next scheduled Council meeting)

8. CORPORATION REPORTS

8.1 Mayor's Report

8.2 Chief Administrative Officer's Report

9. CONFIRMATORY BY-LAW

A By-law to adopt, ratify and confirm proceedings of the Council of the Corporation of the City of Welland at its meeting held on the 1st day of December, 2020. Ref. No. 20-1

10. ADJOURNMENT



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AGENDA BLOCK

1. BUSINESS ARISING FROM MINUTES, PREVIOUS MEETINGS AND OTHER ITEMS REFERRED FROM COUNCIL FOR DISCUSSION:

Referred from the November 3, 2020 Council Meeting.

- 1 - 91** **P&B-2020-58** Gen. Mgr., Infrastructure and Development Services, T. Fitzpatrick - Application for Draft Plan of Subdivision (File No. 26T-14-20004) submitted by Upper Canada Consultants for lands on the east side of the Kingsway, south of Talbot Avenue, west of the Welland Shipping Canal, specifically described as lots 30-38 (inclusive), plan 54, former Township of Humberstone, now plan 813, City of Welland, municipally known as 180 Kingsway. Ref. No. 20-96

2. COMMITTEE AND STAFF REPORTS

- 1. Business Arising from Committee-of-the-Whole (closed)**
- 2. General Committee Report to Council - Nil**

- 92** **3. Budget Review Committee Report to Council - November 23, 2020**

- 4. Staff Reports**

- 93 - 95** **ENG-2020-36** Gen. Mgr., Infrastructure and Development Services, T. Fitzpatrick - Niagara Regional Broadband Network Limited Easement and Temporary Construction Encroachment Agreement request over city lands through the parking lot of Welland City Hall at 60 East Main Street. Ref. No. 20-116 (See By-law 1)



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|--|-------------------------------|--|
| 96 - 122 | <u>ENG-2020-37</u> | Gen. Mgr., Infrastructure and Development Services, T. Fitzpatrick - Amendments to the Sewer and Drainage Works By-law 2017-18. Ref. No. 16-104 (See By-law 2) |
| 123 - 171 | <u>P&B-2020-69</u> | Gen. Mgr., Infrastructure and Development Services, T. Fitzpatrick - Application for Official Plan Amendment (OPA NO. 31) and Zoning By-law Amendment (2020-10) submitted by Niagara Planning Group on behalf of Niagara HP Properties Inc. for lands on the west side of Clare Avenue, south of Woodlawn Road, legally described as Part of Lot 246, former Township of Thorold, City of Welland, municipally known as 781 Clare Avenue. Ref. No. 20-115 (See By-laws 3 &4) |
| 172 - 176 | <u>P&B-2020-70</u> | Gen. Mgr., Infrastructure and Development Services, T. Fitzpatrick - Request for Extension to Draft Plan Approval - Fusion Homes Phases 2 & 3 - 1695525 Ontario Inc. (File 26T-14-10002) south of Forks Road, east of Kingsway and west of the Welland By-Pass Canal. Ref. No. 20-119 |
| 177 - 179
Remove From
Block | <u>FIN-2020-19</u> | Interim CAO, Gen. Mgr., Corporate Services, Chief Financial Officer/Treasurer, S. Zorbas - Application for Tax Write-Offs - Sections 357/358. Ref. No. 20-4 |
| 180 - 182 | <u>FIN-2020-20</u> | Interim CAO, Gen. Mgr., Corporate Services, Chief Financial Officer/Treasurer, S. Zorbas - Municipal Act Regulation 284/09 and Public Sector Accounting. Ref. No. 20-4 |
| 183 - 184 | <u>FIN-2020-21</u> | Interim CAO, Gen. Mgr., Corporate Services, Chief Financial Officer/Treasurer, S. Zorbas - Temporary Borrowing - 2021. Ref. No. 20-4 |
| 185 - 186 | <u>FIN-2020-24</u> | Interim CAO, Gen. Mgr., Corporate Services, Chief Financial Officer/Treasurer, S. Zorbas - RFP20-11 Cycling, Walking and City Recreational Trails 20 Year Master Plan. Ref. No. 99-99 |
| 187 - 189 | <u>CLK-2020-24</u> | Interim CAO, Gen. Mgr., Corporate Services, Chief Financial Officer/Treasurer, S. Zorbas - Amendment to the Terms of Reference for the Audit Review Committee. Ref. No. 09-104 |



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190 - 191 **CLK-2020-25** Interim CAO, Gen. Mgr., Corporate Services, Chief Financial Officer/Treasurer, S. Zorbas - Nominating Committee.
Ref. No. 07-10

3. NEW BUSINESS

Remove From Block 1. Council to appoint one Councillor as Chair to Infrastructure and Development Services.
Ref. No. 20-12

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND appoints _____ as the Infrastructure and Development Services Chair for the term December 1, 2020 to November 30, 2021.

Remove From Block 2. Council to appoint one Councillor Member to the Welland Senior Citizens Advisory Committee. Ref. No. 06-84

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND appoints Councillor _____ to the Welland Senior Citizens Advisory Committee for the term December 1, 2020 to November 14, 2022 or until another successor has been appointed.

192 3. Kathleen Adams, Chair, Accessibility Advisory Committee re: Amendment to the Terms of Reference of the Accessibility Advisory Committee. Ref. No. 02-85

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information and approves the amendment of section 5.5 of the Terms of Reference of the Accessibility Advisory Committee to read "Members shall be appointed for a four (4) year term or until a successor has been appointed".



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- 193 - 195** 4. Amber LaPointe, City Clerk, City of Port Colborne re: Resolution - Designating the Vulnerable Aquifer Schedule B of Official Plan as a Source Water for Rural Residents of Port Colborne. Ref. No. 20-117

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the correspondence from the City of Port Colborne dated November 5, 2020 regarding Resolution - Designating the Vulnerable Aquifer Schedule B of Official Plan as a Source Water for Rural Residents of Port Colborne.

- 196 - 198** 5. Fred Eisenberger, Mayor, City of Hamilton re: Amending the AGCO Licensing and Application Process for Cannabis retail Stores to consider Radial Separation from Other Cannabis Locations. Ref. No. 18-87

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the correspondence from the City of Hamilton dated September 8, 2020 regarding amending the AGCO Licensing and Application Process for Cannabis retail stores to consider Radial Separation from other Cannabis Locations.

- 199 - 200** 6. Julie Kirkelos, Town Clerk, Town of Lincoln re: Public Health Measures re: Ontario COVID-19 Response Framework. Ref. No. 20-64

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the correspondence from the Town of Lincoln dated November 17, 2020 regarding Public Health Measures - Ontario COVID-19 Response Framework.

- 201 - 226** 7. Brenda Johnson, Chair, Niagara Peninsula Conservation Authority re: Changes to Conservation Authorities Act and Conservation Authorities' Role inland Use Planning. Ref. No. 16-129

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the correspondence from the Niagara Peninsula Conservation Authority dated November 16, 2020 regarding changes to Conservation Authorities Act and Conservation Authorities' Role inland Use Planning.



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- 227 - 229** 8. Ann-Marie Norio, Regional Clerk, Niagara Region re: Report PHD-C 9-2020: Referral of Motion - Decriminalization of Personal Possession of Illicit Drugs. Ref. No. 20-118

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the correspondence from the Region of Niagara dated November 11, 2020 regarding Report PHD-C 9-2020: Referral of Motion - Decriminalization of Personal Possession of Illicit Drugs.

4. BY-LAWS

MAY BE VIEWED IN THE CLERK'S DIVISION PRIOR TO THE MEETING IF DESIRED.

1. A By-law to grant an easement to Niagara Regional Broadband Network Limited over the parking lot of Welland City Hall (60 East Main Street). Ref. No. 20-116
(See Report ENG-2020-36)
2. A By-law to amend By-law 2017-18, being a By-law to Regulate Management of a System of Sewer Works and Drainage Works in the City of Welland. Ref. No. 16-104
(See Report ENG-2020-37)
3. A By-law to amend City of Welland Zoning By-law 2017-117 (Niagara HP Properties Inc. - File 2020-10) 781 Clare Avenue. Ref. No. 20-115
(See Report P&B-2020-69).
4. A By-law to authorize the adoption of Official Plan Amendment No. 31.
Ref. No. 20-115
(See Report P&B-2020-69).
5. A By-law under the Building Code Act respecting construction, demotion, change of use, occupancy, transfer of permits and inspections. Ref. No. 05-120
(See Report P&B-2020-65 from the November 3, 2020 Council Meeting).



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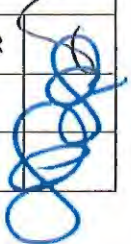
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6. A By-law to amend By-law 2016-104, being a By-law to delegate various Planning and Community Improvement Incentive Approvals to staff and to adopt certain procedures for the processing of Planning Applications subject to Delegated Authority. Ref. No. 11-108
(See Reports P&B-2020-53 and P&B-2020-54 from the October 13, 2020 Special Council Meeting).
7. A By-law to authorize expropriation of land by the Corporation of the City of Welland. Ref. No. 20-82
(Direction provided to proceed in Committee-of-the-Whole at the Committee-of-the-Whole meeting of July 7, 2020 - Report P&B-2020-18).
8. A By-law to exempt certain lands from Part-Lot Control - Parts 1 and 2 on Plan 59R-16823 (25 Parkway), City of Welland. Ref. No. 20-120
9. A By-law to exempt certain lands from Part-Lot Control - Parts 1 and 2 on Plan 59R-16806 (46-48 Topham Boulevard), City of Welland. Ref. No. 20-121

PRESENTED TO
COUNCIL
NOV 03 2020
CITY OF WELLAND

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PRESENTED TO
COUNCIL
OCT 20 2020
COUNCIL OF WELLAND

APPROVALS	
GENERAL MANAGER	
CFO	
CAO	

INFRASTRUCTURE AND DEVELOPMENT SERVICES

REPORT P&B-2020-58
OCTOBER 20, 2020

20-96

SUBJECT: APPLICATION FOR DRAFT PLAN OF SUBDIVISION (FILE NO. 26T-14-20004) SUBMITTED BY UPPER CANADA CONSULTANTS FOR LANDS ON THE EAST SIDE OF THE KINGSWAY, SOUTH OF TALBOT AVENUE, WEST OF THE WELLAND SHIPPING CANAL, SPECIFICALLY DESCRIBED AS LOTS 30-38 (INCLUSIVE), PLAN 54, FORMER TOWNSHIP OF HUMBERSTONE, NOW PLAN 813, CITY OF WELLAND, MUNICIPALLY KNOWN AS 180 KINGSWAY

AUTHOR: RACHELLE LAROCQUE, BES, M.Sc., MCIP, RPP
PLANNING SUPERVISOR

APPROVING SUPERVISOR: GRANT MUNDAY, B.A.A., MCIP, RPP
MANAGER OF DEVELOPMENT APPROVALS

APPROVING G.M.: TRAVERS FITZPATRICK
GENERAL MANAGER,
INFRASTRUCTURE AND DEVELOPMENT SERVICES

RECOMMENDATION:

1. THAT THE COUNCIL OF THE CITY OF WELLAND approves application for Draft Plan of Subdivision for lands legally described as Lots 30-38 (inclusive) Plan 54, former Township of Humberstone, now Plan 813, City of Welland, municipally known as 180 Kingsway, for the development of 21 single detached dwellings, one block for multiple residential dwellings, and one environmental block, subject to the following conditions:

1. That the Owner enter into a Subdivision Agreement with the City of Welland.
2. That no grading or onsite works be commenced prior to the registration of a subdivision agreement on the property.
3. All construction must be in accordance with the City of Welland Municipal Standards.

4. That the owner agrees to gratuitously provide any permanent easement(s) required by other agencies or utilities, free and clear of all encumbrances.
5. That the owner dedicates Block 23 to the City of Welland for environmental conservation purposes, free and clear of all encumbrances.
6. A comprehensive stormwater management plan shall be submitted to the Engineering Department for review and approval.
7. The outlet for this storm run-off shall be reviewed and determined to be adequate for the amount of run-off designed. If any upgrades to the outlet storm channel from the development to the recreational waterway, these costs shall be borne by the developer.
8. A comprehensive civil engineering design shall be submitted to the City for review and approval.
9. All re-instatements to existing roadways shall be to as good or better condition.
10. A pre-construction survey of all existing housing units shall be undertaken to protect the City, the contractor, and the residents for insurance purposes.
11. That the owner implements any and all construction measures identified in the Geotechnical Report prepared by Landtek Limited at the time of Building Permit.
12. That the applicant will pay Cash-in-Lieu of Parkland Dedication at the time of Building Permit, in accordance with the City of Welland policies.
13. A grading plan prepared by a qualified professional to the satisfaction of the City and NPCA showing the total limit of development and site alteration.
14. An Erosion and Sediment Control Plan be prepared by a qualified professional to the satisfaction of the NPCA.
15. That the Developer obtain a Work Permit from the Niagara Peninsula Conservation Authority prior to beginning any work within the 30-metre wetland buffer. In support of the Work Permit application, the following information will be required:
 - a. A buffer planting plan.

- b. A grading plan prepared by a qualified professional to the satisfaction of the NPCA showing the total limit of development and site alteration.
 - c. Confirmation from a qualified professional that there will be no negative impact of the stormwater being discharged into the Provincially Significant Wetland.
 - d. A tree preservation and savings plan.
 - e. An erosion and sediment control plan prepared by a qualified professional to the satisfaction of the NPCA.
16. That the Developer provide 1.5 metre high chain link fencing along the rear lot line of Lots 1 to 10 inclusive, to the satisfaction of the Niagara Peninsula Conservation Authority.
17. That the Developer provide limit of work fencing along the rear lot line of Lots 1 to 10 inclusive and to the satisfaction of the Niagara Peninsula Conservation Authority.
18. That prior to approval of the final plan, the owner shall submit a copy of a Phase 2 Environmental Site Assessment (ESA) prepared by a qualified person in accordance with Ontario Regulation 153/04, as amended, to the Niagara Region Planning and Development Services Department to address the change in use of the previously commercial lands at 180 Kingsway.
19. That the subdivision agreement between the owner and the City of Welland contain provisions whereby the owner agrees to implement the recommendations, if any, of the Phase 2 Environmental Site Assessment (ESA).
20. That the owner shall file a Record of Site Condition (RSC) on the Ministry of Environment, Conservation and Parks' [Brownfields] Environmental Site Registry in accordance with Ontario Regulation 153/04, as amended, and that the owner provide the Niagara Region Planning and Development Services Department and the City with copies of the Environmental Site Assessment(s) and site remediation reports as well as a copy of the Ministry of Environment, Conservation and Parks' written acknowledgement of the filing of the RSC.

21. That the owner submit an air quality (odour) and noise assessment to determine potential impacts from the nearby Dain City Sewage Pumping Station (135 Talbot Avenue) to the satisfaction of Regional Planning and Development Services. Note: the air quality assessment for odour and/or noise assessment may be subject to peer review, at the expense of the owner/developer.
22. That the subdivision agreement between the owner and the City of Welland contain provisions whereby the owner agrees to implement the recommendations, if any, of the air quality and noise assessments required.
23. That the subdivision agreement between the owner and the City of Welland, and any Agreements of Purchase and Sale or Lease for each dwelling unit, include any warning clauses required, and the following clause:

“Due to the proximity of the subdivision lands to the Dain City Sewage Pumping Station, Purchasers/Tenants are advised that, despite the inclusion of noise/odour control features in the development and within the building units, periodic emissions of unpleasant odours and noise from the normal or emergency operations of this facility, for an unspecified duration, may occur and may adversely affect the residents of this development.”
24. That vegetation removals be undertaken between October 1st and March 14th, outside of both the breeding bird nesting period and active bat season.
25. That standard best management construction practices shall be used to mitigate construction dust, noise and/or exhaust fumes and prevent spills.
26. That a Buffer Planting Plan be prepared for Regional staff approval, preferably by a full member of the Ontario Association of Landscape Architects (OALA), to identify and illustrate the location of additional native trees, shrubs and groundcover to be planted.
27. A Grading Plan is to be developed and provided to Regional staff for approval in order to ensure the surface water flows associated with rear of Lots 1 through 7, and Lots 10 through 15 are directed to the wetland area.
28. That permanent rear-lot fencing be provided for all lots bordering on the retained Environmental Protection Areas. A no-gate bylaw is recommended to reduce human encroachment and limit the movement of pets into the adjacent natural areas.

29. That the Erosion and Sediment Control (ESC) Plan be provided for Regional staff approval. The ESC Plan shall include details for, but not be limited to, ESC fencing and other ESC measures, dust suppression and topsoil storage. ESC measures must be monitored regularly to ensure they are functioning properly and promptly fixed if issues are identified.
30. That the Tree Saving Plan prepared in accordance with the Region of Niagara Tree and Forest Conservation By-law (By-law 30-2008) Section 1.36 be provided for Regional staff approval.
31. That the subdivision agreement between the owner and the City of Welland contain wording wherein the owner agrees to implement the recommendations of the approved Grading Plan, ESC Plan, Buffer Planting Plan, and Tree Saving Plan.
32. That prior to approval of the final plan or any on-site grading, the owner shall submit a detailed stormwater management plan for the subdivision and the following plans designed and sealed by a qualified professional engineer in accordance with the Ministry of the Environment documents entitled Stormwater Management Planning and Design Manual, March 2003 and Stormwater Quality Guidelines for New Development, May 1991, or their successors to the Niagara Region for review and approval:
 - a. Detailed lot grading, servicing and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site;
 - b. Detailed erosion and sedimentation control plans;
 - c. Detailed phasing of construction of the stormwater management facility to coincide with phasing of development of residential lands (internal and external to the subdivision) planned to be serviced by the stormwater management facility.
33. That the subdivision agreement between the owner and the City contain provisions whereby the owner agrees to implement the approved plan(s) required in accordance with the approved Stormwater Management Plan.
34. That the owner provides a written acknowledgement to Niagara Region Planning and Development Services Department stating that draft approval of this subdivision does not include a commitment of servicing allocation by Niagara Region as servicing allocation will not be assigned until the plan is

registered and that any pre-servicing will be at the sole risk and responsibility of the owner.

35. That the owner provides a written undertaking to Niagara Region Planning and Development Services Department stating that all Offers and Agreements of Purchase and Sale or Lease, which may be negotiated prior to registration of this subdivision shall contain a clause indicating that servicing allocation for the subdivision will not be assigned until the plan is registered, and a similar clause be inserted in the subdivision agreement between the owner and the City.
36. That prior to final approval for registration of this plan of subdivision, the owner shall submit the design drawings [with calculations] for the new sanitary and storm sewers required to service this development and obtain the necessary Ministry of the Environment, Conservation and Parks Compliance Approval under the Transfer of Review Program.
37. That the owner/developer ensure, throughout all phases of development, that all streets and development blocks can provide an access in accordance with the Niagara Region's Corporate Policy and By-laws relating to the curbside collection of waste and recycling. Where a through street is not maintained, the owner/developer shall provide a revised draft plan to show an appropriate temporary turnaround to permit Regional waste collection services.
38. That the owner/developer shall comply with Niagara Region's Corporate Policy for Waste Collection.
39. Include on all offers of purchase and sale, a statement that advises the prospective purchaser:
 - a. that the home/business mail delivery will be from a designated Centralized Mail Box.
 - b. that the developers/owners be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.
40. The owner further agrees to:
 - a. work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations which may be utilized by Canada Post

until the curbs, boulevards and sidewalks are in place in the remainder of the subdivision.

- b. install a concrete pad in accordance with the requirements of and in locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes.
- c. identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of subdivision.
- d. determine the location of all centralized mail receiving facilities in co-operation with Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans. Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.

41. That prior to granting approval for the Final Plan of Subdivision, City of Welland Planning Division will require written notice from the following upon their respective Conditions of Draft Plan Approval have been met satisfactorily:

Niagara Peninsula Conservation Authority: 13, 14, 15, 16, 17

Region of Niagara Conditions: 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38

Canada Post Conditions: 39, 40

42. That if Final Approval is not given to this Plan within three (3) years of the approval date, and no extensions have been granted, Draft Approval shall lapse. If the Owner wishes to request extension of Draft Plan Approval, a written request with reasons why the extension is required and the applicable application fee, must be received by the City prior to the lapsing date; and

THAT Welland City Council authorizes the Mayor and Clerk to sign the Draft Approval and Final Approval Plans and agreements once all conditions have been satisfied.

ORIGIN AND BACKGROUND:

A complete application for Draft Plan of Subdivision was submitted on April 3, 2020 and was deemed complete on April 21, 2020.

COMMENTS AND ANALYSIS:

The Proposal

The proposal that was originally submitted proposed the creation of 31 single detached dwellings and one block for environmental conservation purposes. Based on preliminary comments from the Niagara Peninsula Conservation Authority, the draft plan was amended to increase the size of the environmental block, and to propose 21 lots for single detached dwellings and one block for up to 10 townhouse dwellings. A further revision was made to the plan in September, 2020 to again increase the size of the environmental block. No changes to the number of units has been proposed in the revised drawings.

The Site

The lands are located on the east side of the Kingsway, south of Talbot Avenue. The lands are primarily vacant, with a former building located along Kingsway that was used as the location of the Walk-on Dust operation.

Surrounding Land Uses

The lands to the north are used for low density residential. To the east is environmentally sensitive lands that were dedicated to the City and contain a locally significant wetland. The lands to the south are low density residential uses and natural heritage lands. To the west is the Kingsway and the Welland Recreational Canal.

Agency Comments

Enbridge Gas Inc.
(May 5, 2020)

- No objections.
- The applicant shall contact Enbridge Gas Inc's Customer Connections department to determine gas availability, service, and meter installation details and to ensure all gas piping is installed prior to the commencement of site landscaping (including, but not limited to: tree planting, silva cells, and/or soil trenches) and/or asphalt paving.
- In the event that easement(s) are required to service this development, and any future adjacent developments, the applicant will provide the easement(s) to Enbridge Gas Inc. at no cost.

City of Welland
Infrastructure and
Development Services –
Building Division
(April 23, 2020)

- Staff has reviewed the information submitted and while a final decision on issuance of building permit will be based on the information submitted with the building permit application to this office, we wish to offer the following comments:

- Subject lands are located within the regulated area of Niagara Peninsula Conservation Authority therefore approval by the NPCA will be required prior to issuance of building permits.
- A subsurface Geotechnical report prepared by Landtek Limited, and dated March 29, 2019; indicates that the shallower, organic-rich silty clay deposits are not considered suitably competent as founding soils. Therefore, it is recommended that a Geotechnical Engineer should be engaged during construction to examine the exposed sub-soil quality and condition, and confirm the subsurface conditions are consistent with design assumptions. It is also recommended that water proofing measures are included in the foundation design in compliance with the Ontario Building Code.
- Phase 1 Environmental Site Assessment Report prepared by Wood Environmental and Infrastructure Solutions and dated April 3, 2020 recommends that Phase 2 be carried out to address the contaminants discovered during the Phase 1 assessment.
- The Functional Servicing Report prepared by Upper Canada Consultants indicates sufficient water and sanitary sewer capacity for the proposed development.
- Parkland dedication shall be established in accordance with By-law 2014-101. If a 5% Cash-in-Lieu of Parkland method is utilized, the Developer shall establish the value of land for each lot, to the satisfaction of the City, prior to execution of the Subdivision Agreement. The values shall be determined by an Appraiser in accordance with City Policy as of the day before the day the first building permit is issued for the development. The values shall be referenced in

the Special Conditions and Building Restrictions of the Subdivision Agreement.

- The Noise Feasibility Study prepared by HGC Engineering Ltd. Recommends that dwelling units affected by excessive noise levels as determined by the MEPC guidelines, should be designed for future installation of air conditioning units and that future occupants be advised to that effect through warning clauses as part of the subdivision approval process.

Canada Post Corporation
(April 30, 2020)

- No objections to the proposed application. Has requested a number of conditions of Draft Plan Approval which have been included.

City of Welland
Infrastructure and
Development Services –
Engineering Division
(August 14, 2020)

- No objections to the application. A number of conditions of Draft Plan Approval have been requested and included.

City of Welland
Infrastructure and
Development Services –
Traffic, Parking & Bylaws
Division
(August 13, 2020)

- The applicant will be responsible for installation of streetlights on Regatta Drive, as well as at the future intersection of Kingsway/Regatta.

Welland Hydro and
Electric System Corp.
(April 14, 2020)

- No objections to the application.
- The applicant shall contact WHESC's Engineering Department to determine servicing details and requirements.
- If existing WHESC's infrastructure is required to be relocated or temporary Hydro service is required, all costs are the responsibility of the applicant.
- If easement(s) are required by WHESC to service this development or any future adjacent developments, the applicant will provide at their expense the necessary registered easements.

Niagara Peninsula
Conservation Authority
(July 13, 2020)

- The proposed development must meet the clearance requirements of Section 3.1.19.1 "Clearance to Buildings" of the Ontario Building Code.
- The NPCA has reviewed the application for Draft Plan of Subdivision and associated studies.
- The subject lands contain a watercourse and the Seaway Wetland Complex, which is a locally significant wetland. Both of these features are regulated by the NPCA.
- The applicant has proposed to remove some of the wetland and offset/compensate for the loss elsewhere on the property, with approximately 946 square metres removed and 1613 square metres being replaced. This is not permitted in NPCA policy.
- The NPCA's policies is to firstly to promote the conservation of land through the protection of wetlands. It is not the intent of the NPCA's policies to be used to facilitate a higher density where a development can otherwise be achieved on the site. The intent of the is a "last resort" where there is no feasible alternative.
- In reviewing the proposed Draft Plan, maintain a 15 metre buffer (where it can be demonstrated that a 15 metre buffer will sufficiently protect the ecological and hydrological function of the wetland) would result in the loss of approximately 6 lots. There is still sufficient room to accommodate the municipal road. There may be opportunities to reconfigure the existing lots to increase the density. Given this, the NPCA cannot support the proposed Draft Plan as presently shown as it does not maintain the intent of NPCA policies.

Niagara Peninsula
Conservation Authority

- The applicant has amended their application subsequent to the NPCA's comment letter dated

(September 30, 2020)

July 13th 2020. The NPCA has reviewed the Canal Estates Revised Plan, DWG No. 17117-DP Rev.1 dated February 25th, 2020 printed September 17th, 2020 prepared by Upper Canada Consultants, and an Environmental Impact Study Addendum prepared by Beacon Environmental, dated September 3rd, 2020.

- Based on the review of the two above mentioned studies, NPCA staff have no objections to the application as it relates to NPCA policies, subject to the recommended Conditions of Draft Plan Approval.
- Conditions of Draft Plan Approval have been requested and included.

Region of Niagara
Planning & Development
Services
(September 3, 2020)

- The Region of Niagara has reviewed the application based on the information provided, as well as in conjunction with applicable Provincial and Regional Policies.
- Based on the EIS submitted with the application, there are additional items which must be provided prior to the Region providing support to this application. The required information has been provided to the applicant for their review and information.

Region of Niagara
Planning & Development
Services
(September 23, 2020)

- The subject lands are located with the Provincially designated Built-up Area of the City of Welland. Accordingly, the residential growth will contribute towards the City's annual residential intensification target of 40%. Regional staff note that the proposed subdivision will include both single detached dwellings and townhouse dwelling units to provide a range of housing types.
- Due to the change in use from a previous commercial use on the subject lands (180 Kingsway) to a proposed residential subdivision development, a Record of Site Condition (RSC)

under Provincial environmental legislation with the Ministry of the Environment, Conservation and Parks (MECP) is required. A Phase 1 ESA was completed for the property which identified that a Phase 2 ESA would be required prior to the submission for a RSC.

- The development proposes residential use, which is considered a 'sensitive land use' as outlined in the guidelines, in proximity to the industrial use (sewage pumping station). The D1 and D6 guidelines indicate that industrial land uses and sensitive land uses are normally incompatible due to possible adverse effects on sensitive land uses created by industrial operations in close proximity.
- According to the Planning Justification Report (dated April 2020, prepared by Upper Canada Consultants), correspondence between the Region and agent indicated that this requirement could be addressed as a condition of draft plan approval. As such, conditions have been included requiring the completion of a Noise Impact Study and Odour Study and implementation of associated warning clauses in the subdivision agreement. The air quality and noise study will need to be peer reviewed in order to verify that the findings, mitigation and recommendations are sufficient to satisfy Provincial and Regional policy and the aforementioned Ministry guidelines. Any recommendations or mitigation measures may result in required changes to the site layout.
- Regional Environmental Planning staff have reviewed the originally submitted EIS, the EIS Addendum, and the revised Draft Plan to verify that the findings, proposed mitigation measures and recommendations are sufficient to satisfy Regional and Provincial environmental policies. Staff do not object to the development proposal

in principle, provided all required authorizations are received from applicable regulatory agencies and the mitigation measures identified in the EIS are incorporated into all future plans.

- Regional staff have reviewed the preliminary stormwater management and the site servicing plans and have no concerns. Conditions regarding their implementation have been included.
- Conditions of Draft Plan Approval have been requested and included as part of the recommendation for this development.

A virtual Public Open House was held on August 27, 2020 to gain public input regarding the proposed applications. Six (6) members of the public participated in the Information Meeting, in addition to agent for the applicant. The following comments and concerns were raised at the Public Information Meeting:

- Lot frontages smaller than those lots on Regatta Drive and Talbot Avenue;
- Geotechnical issues in the area;
- Has an environmental review of the former cleaning business been completed;
- Environmental concerns regarding the animals and plants on the property and the impact of the development on the natural area;
- Is there a tree savings plan; and,
- Stormwater and drainage issues in Dain City and capacity concerns with new development.

The Statutory Public Meeting under the Planning Act was held on September 15, 2020. Two people spoke at that meeting and raised questions and concerns regarding the natural environment impacts associated with the development of the property, drainage, and infrastructure limitations with only one access into Dain City.

At the time of writing this report, six (6) letters have been submitted from a members of the public regarding the application. The comments in the letters were the same as those that were raised at the Public Information Meeting and the Public Meeting.

Provincial Policy

Section 51(24) of the *Planning Act* requires that all in the review of all proposals for Plans of Subdivision, regard must be had for to the health, safety, convenience,

accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality and to:

- (a) The protection of ecological systems, including natural areas, features, and functions; - The property is impacted by a locally significant wetland and a stream that runs through the southern portion of the property. The lands have also been identified as having a significant woodland on the property.
 - An EIS has been completed for the property which has identified that the removal of the woodland will not negatively impact the surrounding natural area, but that the Locally Significant Wetland and the watercourse, which has been identified as a fish habitat, should be protected for the long term.
- (b) the protection of agricultural resources of the Province; - The subject lands are not part of the City's Agricultural lands.
- (c) the conservation and management of natural resources and the mineral resource base; - There are no known natural resources on this property.
- (d) the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest; - The property is not impacted by any features of architectural, cultural, historical, or archaeological interest. No ANSI's have been identified on the property, but the area identified as Locally Significant Wetland, watercourse, and fish habitat will be protected.
- (e) the supply, efficient use and conservation of energy and water; - The proposal does not include any information regarding energy and water conservation methods that will be implemented at the time of construction. The Ontario Building Code includes requirements for

- energy efficiency must be incorporated into all new home construction.
- (f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
- The property is within the City's Urban Area and can be supplied with municipal infrastructure. There are no capacity issues that will be created as a result of this development.
 - The developer will be responsible for extending the water, sanitary, and storm sewers to service the new development, in addition to constructing the municipal road network. There is available capacity within the municipal system to accommodate the proposed development.
 - The development will extend Regatta Drive to connect to Kingsway.
- (g) the minimization of waste;
- The property will be serviced by Regional waste collection.
- (h) the orderly development of safe and healthy communities;
- The property is within the urban boundary and will not require an expansion to the urban area, has connections to roads, and will be provided with sidewalks on at least one side of the new street.
- (h.1) the accessibility for persons with disabilities to all facilities, services and matters to which this Act applies;
- The development is not designed to accessibility standards, but it will be the responsibility of the individual property owners to incorporate any accessibility measures into the house designs.
- (i) the adequate provision and distribution of educational,
- The local school boards have not provided comments regarding the

- health, social, cultural and recreational facilities;
- proposal. As part of the Dain East Plan of Subdivision, a school site has been incorporated into the design. There is capacity in the schools to accommodate future students from this development.
- (j) the adequate provision of a full range of housing, including affordable housing;
- The proposed development does not include any affordable housing units, however, each dwelling could contain an accessory dwelling unit, which would provide additional affordable housing units in the City.
 - The development is comprised of a mix of single detached and townhouse dwellings, which will provide a range of housing types.
- (k) the adequate provision of employment opportunities;
- As the development is entirely residential, there are no employment opportunities that will be created. The City's Zoning By-law does permit home occupations, and therefore, there may be home based businesses that will be established in the neighbourhood.
- (l) the protection of the financial and economic well-being of the Province and its municipalities;
- The development of these lands will lead to an increase in tax revenues to the City, which will contribute to the overall financial benefit of the City.
 - Any upgrades to infrastructure, such as the construction of the water, sanitary, and storm sewers, as well as the roads, will be at the cost of the developer and not the City.
- (m) the co-ordination of planning activities of public bodies;
- All relevant agencies have been circulated the application and their

comments have been included, where appropriate.

- (n) the resolution of planning conflicts involving public and private interests;
- Concerns were raised regarding the loss of the natural area. The applicant has completed an EIS for the property which has indicated that there will be no negative impacts on the natural area as a result of the development and due to the removal of the woodland. The Locally Significant Wetland and watercourse will be protected within an environmental block. A further revision was made to the proposed plan in September, which increased the area that will be maintained for the protection of the natural heritage features.
 - Concerns were also raised regarding drainage and the potential for impact on neighbouring properties. The applicant has completed a stormwater management plan for the development, which will require that post development flows of water are consistent with pre-development flows. The stormwater will not be permitted to flow onto neighbouring properties.
 - Concerns were also raised regarding the soil stability to support future dwellings. The applicant has completed a geotechnical investigation. Any measures that must be implemented at the time of building permit.

- (o) the protection of public health and safety;
- There will be two access points for the subdivision to ensure that if one road connection is blocked, another way into the development remains available.
 - The development will be constructed to Municipal Standards which will ensure that there is an adequate supply of water for fire fighting purposes.
 - The applicant has submitted a Geotechnical Investigation for the development to ensure that the soils in the area are able to support the proposed dwellings. Any of the construction methods required to ensure stability of the houses will be implemented at the time of Building Permit.
- (p) the appropriate location of growth and development;
- The property is within the City's serviced urban boundary. The development of these lands will utilize undeveloped lands within the City's urban boundary and built boundary, and represent an infilling opportunity.
- (q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;
- The development will connect to an existing unopened roadway stub for Regatta Drive. It will create a connection from Regatta Drive to Kingsway. Sidewalks will be provided on a minimum of one side of the extension of Regatta Drive which will encourage active transportation through the site, and provide connection to the Recreational Canal and trail system.

- (r) the promotion of built form that,
 - (i) is well-designed,
 - (ii) encourages a sense of place, and
 - (iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;
- The City has incorporated elements from the Urban Design Guidelines into the Zoning By-law to ensure that developments are oriented to the street and pedestrian friendly.

Section 51(24) of the *Planning Act* sets out the following criteria to be considered when reviewing a draft plan of subdivision, as follows:

- Whether the proposed subdivision is premature or in the public interest;
 - The lands are within the City's identified Built-Up area, which is to be the focus of infill and intensification. The proposed development of these lands will help the City achieve the yearly intensification goals, as set by the Province.
 - There is infrastructure in the area which the subject development can be serviced from. As previously identified, the developer will be responsible for the construction of the new road.
 - The proposed development will not result in the uneconomical expansion of municipal services as they are already available in the area.
- Whether the plan conforms to the official plan and adjacent plans of subdivision, if any;
 - The lands to the north that are part of a former Plan of Subdivision are single detached dwellings. The proposal has placed the single detached dwellings adjacent to the existing lots that were part of the residential development to the north.

- The lands fronting along Kingsway are existing lots that are not part of a Plan of Subdivision. There will be a mix of singles and townhouse dwellings adjacent to these lots.
- The lands are designated as Low Density Residential which permits single detached, semi-detached, and townhouse dwellings. The proposed subdivision complies with the Official Plan.

The suitability of the land for the purposes for which it is to be subdivided;

- The subject lands are accessible by the municipal road network and can connect to municipal infrastructure. The lands are within the urban boundary of the City of Welland, and are designated as Low Density Residential. The development of these lands is appropriate.
- The applicant has completed a Geotechnical Investigation which has identified construction methods which should be implemented to ensure the stability of the houses.

If any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;

- There are no affordable housing units proposed as part of this subdivision. The City of Welland's Official Plan and Zoning By-law do permit accessory dwelling units to be created, which will provide alternative housing options which may be deemed more affordable.

The number, width, location and proposed grades and elevations of the highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and adequacy of them;

- The site is accessed from Kingsway and from Talbot Avenue. Both of these roads are municipally maintained and meet minimum standards. The proposed extension of Regatta Drive will meet

- the City's municipal standards and will become a City owned and maintained street.
- The dimensions and shapes of the proposed lots; - The majority of the single detached lots will have frontages between 9 metres and 11 metres and are rectangular in shape. The proposed townhouse dwelling lots will be required to meet the minimum frontages. All of the proposed lots meet the minimum requirements for lots.
- The restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land; - Any dwellings on the proposed lots will need to comply with any construction requirements identified in the geotechnical investigation that was completed for the property.
- Conservation of natural resources and flood control; - The Locally Significant Wetland and watercourse will be contained in a block for the long term preservation of the natural features. All lots are outside of the 15 metre setback to the Locally Significant Wetland.
- The adequacy of utilities and municipal services; - The property has access to municipal water, sanitary and storm sewers. As previously identified, the developer will be responsible for the cost of extending municipal water, sanitary, and storm sewers to these lands.
- The adequacy of school sites; - The District School Board of Niagara has provided comment that there is capacity within their school sites within the neighbourhood.
- The area of land, if any, within the proposed subdivision that, exclusive of - There is one block to be dedicated to the City that contains the natural

highways, is to be conveyed or dedicated for public purposes;

environment features and an exiting drainage easement. The developer will be providing 5% of the value of the lands through a cash-in-lieu of parkland dedication.

The extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and,

- Energy conservation measures have not been outlined in the plan that has been submitted. The Ontario Building Code includes requirements for energy conservation, which will be incorporated at the time of Building Permit.

The interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41(2) of this Act.

- The development as currently proposed will not be subject to Site Plan control.

Section 3 of the Planning Act requires that all decisions affecting planning matters shall be consistent with policy statements issued under the Act and conforms with provincial plans. The relevant policy statement is the Provincial Policy Statement (PPS). The relevant provincial plan is A Place to Grow: Growth Plan for the Greater Golden Horseshoe (P2G).

Provincial Policy Statement (PPS) 2020

The PPS provides the guiding principles for the entire province. The PPS promotes the creation of healthy, livable and safe communities. In planning staff's opinion, the applications are consistent with the PPS.

- the promotion of efficient development patterns;
- The lands are within the urban, serviced area of the City of Welland and are within the existing built-up area.
- The lands are within an area that has available municipal servicing and is connected by two opened and maintained roads.

- Due to previous activities on the site, there is the potential for contamination and as such a Record of Site Condition is required.
 - The proposal includes a mix of single detached and townhouse dwellings.
 - The zoning on the property allows for semi-detached and duplex dwellings in addition to singles and towns. The City also permits one accessory dwelling unit per property.
 - Staff are of the opinion that the proposed development will provide a range of housing options. Although no affordable housing has been identified, accessory dwelling units provide a more affordable housing type.
 - As previously identified, the lands are impacted by natural heritage features.
 - These features will all be contained in a block that will be dedicated to the City for long-term conservation.
 - The lands are within the urban area of the City of Welland, and the proposed Plan of Subdivision is within an existing built-up area.
 - The development of these lands will not prevent any adjacent lands from developing in the future.
 - The subject Plan of Subdivision is considered an infilling and
- accommodating an appropriate range of housing, including affordable housing;
 - avoiding development patterns which may cause environmental and public health and safety concerns;
 - avoiding land use patterns which would prevent the efficient expansion of settlement areas;
 - promoting land use patterns which support transit and intensification

- to create cost-effective developments;
- intensification project within the City as it's an undeveloped parcel in a predominantly developed area.
- The lands are also within the urban area of the City, and can access municipal water, sanitary, and storm sewers, as well as is accessed by existing municipal roads.
 - There are currently no transit lines that service Dain City directly, but the area is serviced by the TransCab service which connects residents to the transit lines within the City.
- improving accessibility for persons with disabilities;
- The development will require that a minimum of one side of each street will include sidewalks, which will improve accessibility for persons with disabilities throughout the neighbourhood.
 - Any additional measures to include accessibility measures will be included through the building of the individual homes.
- ensuring that infrastructure and public service facilities are available to support the development;
- The public infrastructure is available in the immediate area with capacity to accommodate the proposed development. Municipal services will be extended along the proposed new roads.
 - The social services (schools, libraries, parks, etc.) can accommodate the increase in population created by the development of these lands.

- promoting development and land use patterns which support biodiversity; and,
- As previously mentioned, Locally Significant Wetland, watercourse, and associated fish habitat will be placed in a block which will protect them for the long-term. An EIS was completed for the property which identified that the removal of the wooded area on the property will not negatively impact the larger natural features in the area.
- prepare for the regional and local impacts of climate change.
- Measures to address the impacts of climate change will be reviewed through the detailed design of the stormwater management plan for the proposed development.
- As part of the development, a dry pond has been incorporated to provide water storage to ensure that peak storm events do not all rush into the system at the same time, and the release of water is controlled over time.

The subject lands are located within the identified Build Up area as identified in the A Place to Grow: Growth Plan for the Greater Golden Horseshoe (P2G). The P2G encourages that the vast majority of new growth occur within the serviced built-up area of settlement areas, and within the identified built-up area. The P2G also requires that a minimum of 40% of all new residential development be within the built-up area through infilling and intensification, which will be increased to 50% at the time of the next municipal comprehensive review. The subject proposal is within the delineated Built Up area of the City, and will help achieve intensification goals and targets for the City. As previously identified, servicing is available in the immediate area, and has capacity to accommodate the proposed development. The Plan of Subdivision is considered an infilling opportunity and meets the intent of these policies in the P2G.

Region of Niagara Official Plan

The lands are identified as being in the Urban Area of Welland in the Region's Official Plan. The policies in the Region's Official Plan (ROP) are similar to those found in both the PPS and the P2G. The policies encourage infilling and intensification, taking advantage of existing infrastructure and creating communities that provide for the needs of residents. The policies in the Regional

Plan support developments that take advantage of existing infrastructure, are transit supportive, and provide a range of uses.

The proposed subdivision will develop currently vacant lands within the urban boundary that have access to municipal services and roads. The development has been designed to integrate with the existing neighbourhoods to the north. It will encourage active transportation through the development by creating linkages through road connections and sidewalks.

The development proposes a mix of single detached and townhouse dwellings, which represents a range of housing options as encouraged by the ROP. As the surrounding lands are developed with primarily single detached dwellings, the proposal will provide an alternative housing type within the area.

The development has been designed to be pedestrian friendly. Sidewalks will be provided on a minimum of one side of the street to encourage active transportation. The roads have been designed to meet minimum municipal standards.

The block that is proposed for the Locally Significant Wetland and the watercourse will ensure protection for the long-term preservation of these features. The policies in the ROP promote the protection and preservation of these features.

The proposed development meets the intent of the Regional Official Plan.

City of Welland Official Plan

The lands are designated as Low Density Residential by the City of Welland Official Plan. This designation allows for single detached, semi-detached, duplex, triplex, and townhouse dwellings with a minimum density of 15 units per hectare and a maximum of 24 units per hectare. The proposed density of the development is 20 units per hectare, which falls within the minimum density requirements of the City's Official Plan.

The lands are within the Urban Area of the City of Welland, and within the identified Built Up Area. The City's policies identify that residential and employment intensification will be encouraged throughout the City as it provides an opportunity for economic growth, reduces the amount of greenfield land needed, takes advantage of serviced but underutilized lands, and helps improve the vibrancy of the City. Intensification is encouraged throughout the Built Up Area, with a number of focal areas identified, being the Downtown, brownfield sites, and along transit corridors. Although the subject lands have not been identified as an 'Intensification Area' it is within the Built Up Area, and intensification is still supported. The City has targeted 40% of all new residential growth to be within the Built Up Area, which will increase to 50% at the time of the next Municipal Comprehensive Review to be consistent with the P2G. The proposed development will assist the City in achieving this intensification target.

The City's OP also includes a list of criteria that should be examined when infilling and intensification applications are made to the City. The criteria are examined in the chart below:

- Land use and neighbourhood character compatibility;
- The subject lands are within a predominantly low density residential area. The lands to the north are developed with a low-density plan of subdivision. To the east is a natural environment block that was deeded to the City as part of Phase 1 of the Fusion Homes Plan of Subdivision. To the south are used for low density residential uses on large lots. To the west of the subject lands are residential uses on one side of Kingsway and open space and the Recreational Canal.
- The proposed development is compatible with the surrounding neighbourhood.
- Lot pattern and configuration;
- The majority of the proposed lots are rectangular in shape and have a frontage of between 9 metres and 11 metres (singles). As the final layout of the townhouses has not been determined, the frontages have not been provided. All lots will be required to meet the Zone minimums. There are a number of lots that are an irregular shape due to the natural environment areas that run behind the lots and the road pattern. All of the proposed lots will meet the minimum frontage and area requirements in the City's Zoning By-law.
- The lots will all front onto opened, maintained roads that will be dedicated to the City.

- Accessibility;
 - The proposed road will have sidewalks on a minimum of one side of the street, which will encourage walking.
 - Any other accessibility features incorporated into the individual dwellings will be at the discretion of the individual property owners.
- Parking requirements;
 - The City's minimum parking standards are one space per unit. All proposed dwelling units will be required to meet this minimum, through the provision of parking within a garage or on a driveway.
- Potential for additional traffic and traffic manoeuvrability;
 - Traffic will access the dwellings via the extension of Regatta Drive from Talbot Avenue, connecting to Kingsway.
 - The development of these lands will result in the increase of traffic through the area, however, it can be accommodated in the existing road networks without improvements.
- The potential for transit ridership;
 - There are currently no transit lines that run to Dain City, however, it is serviced by the TransCab service which connects residents to transit lines.
- Natural (including natural hazards) and built heritage conservation/protection;
 - As previously identified, the lands are impacted by: a Locally Significant Wetland and a watercourse. These areas will not be developed, but the blocks will be dedicated to the City for the long-term preservation of the natural environment.
 - A portion of the property has also been identified as having a significant woodland. Through the EIS, it was determined that the removal of this feature was appropriate for the development.

- The availability capacity of municipal infrastructure; - There is capacity in the existing infrastructure to accommodate the proposed development.
- Residential intensification targets identified in this plan. - The proposed development will assist the City in achieving the target of 40% of all new residential development being within the Built-Up Area. That intensification goal will be increased to 50% at the time of the next Comprehensive Review, and the proposed development of this site will contribute to achieving that goal.

Section 7.6.6, the Implementation Section of the OP outlines the minimum criteria that should be used when reviewing new applications for plans of subdivision. They are:

- Consistency with the Official Plan, Secondary Plan and any other applicable plans and policies;
 - The lands are designated as Low Density Residential by the city's Official Plan. The proposed development meets the minimum density requirements.
- Availability of services without undue financial commitment by the City;
 - The required municipal services (water, sanitary, and storm) are available in the area. It will be the responsibility of the developer to extend the services to the property line to service this development.
- Suitable provision of municipal services, including, but not limited to: public streets, water, storm and sanitary sewers, waste collection and disposal, public and/or private utilities, fire and police protection, parks, schools, and other community facilities;
 - The proposed subdivision has access to Kingsway and Talbot Avenue via the extension of Regatta Drive.
 - The site will be developed in accordance with municipal standards, which will require that street widths and road patterns that will accommodate emergency service vehicles and waste collection vehicles.
 - The lands can be provided with municipal services.
 - Parkland dedication will be provided through cash-in-lieu, but the lands are

within walking distance to Glenwood Park, as well as to the Recreational Canal. There are no schools currently within Dain City, but there is the possibility that a school will be constructed in the Draft Approved Dain East Plan of Subdivision which would accommodate the students in Dain City.

- Exposure to noise, air pollution and other negative impacts, along with suitable mitigation measures;

 - There are no adjacent uses that would create negative impacts from noise or air pollution.
- Integration with surrounding land uses;

 - The proposed subdivision is proposed for entirely residential uses, with home occupations being permitted through the Zoning By-law. The development is consistent with the surrounding neighbourhood.
- Integration with the transportation network;

 - The proposed road will be the extension of Regatta Drive which will connect to Kingsway. The new road will be constructed to municipal standards and will become a City owned street.
- Impacts to, and mitigation of, negative impacts on the natural environment;

 - As previously identified, a Locally Significant Wetland and watercourse run along the eastern edge of the property. The development proposes that these features will be located within a block and preserved for natural environment purposes.
- Optimization of the supply, means of supplying, efficient use, and conservation of energy;

 - There are no energy efficient measures that have been identified or proposed as part of the redevelopment of this property. All buildings will need to comply with the Building Code requirements for energy efficiency.

- The provision of appropriate urban design and landscaping for the proposed development;
- The houses will be required to comply with the City of Welland Zoning By-law, which includes components of the City's Urban Design Guidelines.
- Compliance with applicable City guidelines;
- The proposed development will also be required to comply with the City's Municipal Standards to ensure that the infrastructure and development of the site complies with the engineering requirements of the City.
- Exposure to nearby air pollution and mitigation of impacts.
- There are no pollution causing industries within the area of influence, as outlined by the Ministry of Environment.

The proposed development meets the intent of the City's Official Plan.

City of Welland Zoning By-law 2017-117

The lands are zoned Residential Low Density 2 – RL2 in the Zoning By-law 2017-117. The proposed lots meet all the minimum requirements. All future dwellings will be required to meet the minimum requirements. No amendments to the current zoning have been requested.

Public Comments

Comments were received from neighbouring residents which identified the following concerns:

- Impact on the natural environment (animals and plants);
- Drainage;
- Infrastructure, both capacity in existing pipes and access to Dain City; and,
- Soil stability to accommodate houses.

The applicant completed an EIS for the property which identified the natural features and identified the impact of the potential development on the natural environment. A number of modifications were made to the proposed plan to increase the amount of land included in the natural environment block. This ensured that more of the woodland area was protected, as well as ensuring that all development and lot lines would be a minimum of 15 metres from the extent of the Locally Significant Wetland. The applicant will also be required to undertake a buffer planting plan to provide a transition between the rear lots and the wetland, as well as to improve the natural environment. The applicant will also be required to ensure that an appropriate level of water continues to flow into the wetland and the watercourse to ensure that it remains a viable natural area. Both of these requirements will be included as a condition of Draft Plan Approval. Any significant features that were identified in the EIS will be protected.

As part of the application for Draft Plan of Subdivision, the applicant will be required to complete a Stormwater Management Study. This study will be required to identify how stormwater will be accommodated across the site during peak rain events. The applicant has proposed the installation of storm interceptors that will treat the water, but will not control the flow during rain events. The development will be required to show that the water that runs off of the property, post development, is equal to the pre-development flows. The City is required to review and approve this information to ensure that neighbouring properties are not impacted by stormwater. All of the increase in flows must be accommodated on their own site.

The City and the Federal government have announced that funding has been made available for the replacement of the Dain City bridge. There is no date on when construction will begin on the bridge, however, a solution has been identified for the access issues to Dain City. With respect to the infrastructure capacity issues, a review of the Inflow and Infiltration in Dain City is currently being undertaken to identify why there are significant increases in the flow into the City's sanitary system during peak rain events. The City and the Region will both review the development to ensure that there is capacity within the system to support the proposed development.

As previously mentioned, the applicant has completed a Geotechnical Investigation. It identified that the soil is capable of supporting the proposed house and has identified additional construction considerations that need to be made in order to allow for the development. The recommendations within the Geotechnical Investigation will be implemented at the time of Building Permit.

FINANCIAL CONSIDERATION:

The costs associated with the development of this property will be the sole responsibility of the developer.

OTHER DEPARTMENT IMPLICATIONS:

Where other departments have provided comments, they have been included in this report for review. Any conditions requested by other departments have also been included.

SUMMARY AND CONCLUSION:

The proposed application for Draft Plan of Subdivision for the creation of 21 single detached dwelling lots, one (1) block for townhouse dwellings, and one (1) block for environmental conservation purposes, represents good planning because:

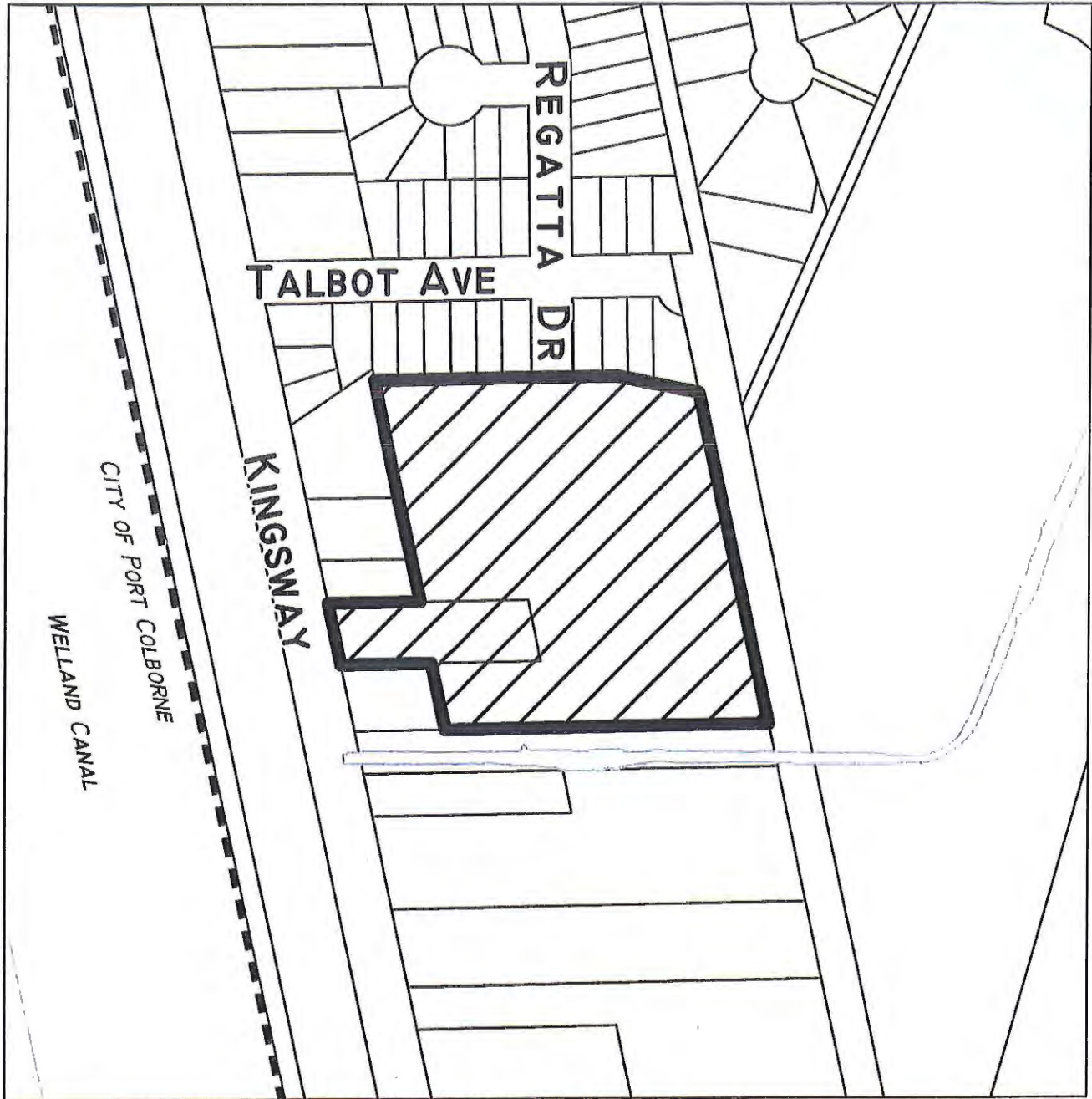
1. Is consistent with Provincial, Regional and City policies which encourage infill and intensification within the identified Built-Up Area;
2. Uses existing municipal infrastructure and does not require the expansion of these services;

3. Is consistent in character and form with neighbouring developments;
4. Will provide long term protection and enhancement of natural heritage features; and,
5. Will assist the City in achieving the yearly intensification target.

ATTACHMENTS:

- Appendix I - Key Map
- Appendix II - Aerial Photo
- Appendix III - Draft Plan of Subdivision
- Appendix IV - Correspondence

26T-14-20004



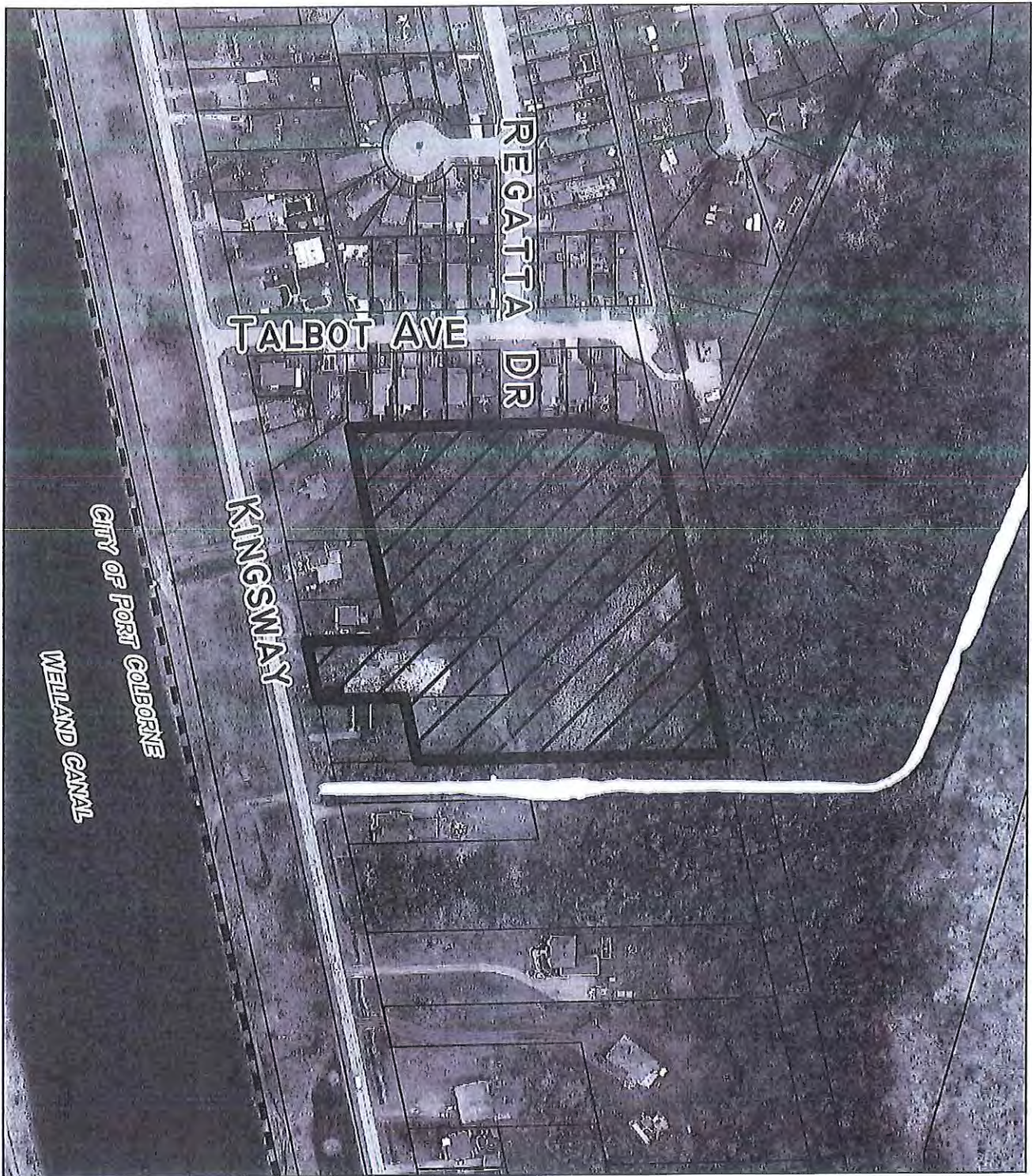
KEY MAP



SUBJECT LANDS



*Infrastructure and
Development Services*
Planning Division



**AERIAL PHOTO OF
THE SUBJECT LANDS**
26T-14-20004

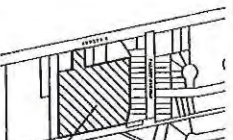


SUBJECT LANDS



*Infrastructure and
Development Services*
Planning Division

CANAL TRAIL ESTATES CITY OF WELLAND



KEY PLAN
M.T.S.

DRAFT PLAN OF SUBDIVISION

LEGAL DESC

PART OF LOTS 24, 21, 22, 23, 24
REGISTERED PLAN 14, Township of
Welland, County of Welland, Province of Ontario
PLAN 59R-9074
2018

OWNER'S CERT

BEING THE REGISTERED OWNER
HEREBY CERTIFY THAT THE
PREVIOUS AND CORRECT THE
SUBDIVISION TO THE CITY OF
WELLAND, ONTARIO.

207550 OWNERS INC.
SURVEYOR'S CERT

I HEREBY CERTIFY THAT THE
CONDUCTIVE SYSTEM
L.L. BARNES (LIMITED)

**REQUIREMENTS OF S
OF THE PLANNING**

- 0) SEE PLAN
- 0) SEE PLAN
- 0) SEE PLAN
- 0) SEE PLAN

LAND USE SCH

LAND USE	LOT/BLOCK	1/1
RESIDENTIAL SINGLE DETACHED	1/1	10
TOTAL		10

DATE	BY	REVISION



UPPER CANADA CONSULTANTS INC.
REGISTERED PROFESSIONAL ENGINEERS

DRAFT PLAN OF SUBDIVISION



Enbridge Gas Inc.
500 Consumers Road
North York, Ontario M2J 1P8
Canada

May 5, 2020

Rachelle Larocque, BES, M.Sc., MCIP, RPP
Planning Supervisor
Infrastructure and Development Services
City of Welland
Planning Division
60 East Main Street
Welland, ON L3B 3X4

Dear Rachelle,

Re: Draft Plan of Subdivision
2674693 Ontario Inc.
180 Kingsway (Canal Trail)
City of Welland
File No.: 26T-14-20004

Enbridge Gas Inc. does not object to the proposed application(s) however, we reserve the right to amend or remove development conditions.

This response does not constitute a pipe locate, clearance for construction or availability of gas.

The applicant shall contact Enbridge Gas Inc.'s Customer Connections department by emailing CustomerConnectionsContactCentre@Enbridge.com to determine gas availability, service and meter installation details and to ensure all gas piping is installed prior to the commencement of site landscaping (including, but not limited to: tree planting, silva cells, and/or soil trenches) and/or asphalt paving.

In the event that easement(s) are required to service this development, and any future adjacent developments, the applicant will provide the easement(s) to Enbridge Gas Inc. at no cost.

Sincerely,

Alice Coleman
Municipal Planning Analyst
Long Range Distribution Planning

ENBRIDGE GAS INC.
TEL: 416-495-5386
MunicipalPlanning@enbridge.com
500 Consumers Rd, North York, ON, M2J 1P8
enbridgegas.com
Safety. Integrity. Respect.



City of Welland
Infrastructure and Development Services
 Planning and Building Division
 60 East Main Street, Welland, ON L3B 3X4
Phone: 905-735-1700 Ext. 2251 | **Fax:** 905-735-8772
Email: devserv@welland.ca | www.welland.ca

TO: Grant Munday, B.A.A
 Manager of Development Approvals

FROM: J. Tosta, CBCO, CPSO
 Chief Building Official

DATE: April 23, 2020

SUBJECT: Request for Rezoning, OP Amendment and Draft Plan of Subdivision
 - 180 Kingsway

Staff has reviewed the information submitted and while a final decision on issuance of building permit will be based on the information submitted with the building permit application to this office, we wish to offer the following comments:

- Subject lands are located within the regulated area of Niagara Peninsula Conservation Authority therefore approval by the NPCA will be required prior to issuance of building permits.
- A subsurface Geotechnical report prepared by Landtek Limited, and dated March 29, 2019; indicates that the shallower, organic-rich silty clay deposits are not considered suitably competent as founding soils. Therefore it is recommended that a Geotechnical Engineer should be engaged during construction to examine the exposed sub-soil quality and condition, and confirm the subsurface conditions are consistent with design assumptions. It is also recommended that water proofing measures are included in the foundation design in compliance with the Ontario Building Code.
- Phase 1 Environmental Site Assessment Report prepared by Wood Environmental and Infrastructure Solutions and dated April 3, 2020 recommends that Phase 2 be carried out to address the contaminants discovered during the Phase 1 assessment.
- The Functional Servicing Report prepared by Upper Canada Consultants indicates sufficient water and sanitary sewer capacity for the proposed development.
- Parkland dedication shall be established in accordance with By-law 2014-101. If a 5% Cash-in-Lieu of Parkland method is utilized, the Developer shall establish the value of land for each lot, to the satisfaction of the City, prior to execution of the

RE:

October 14, 2020

Subdivision Agreement. The values shall be determined by an Appraiser in accordance with City Policy as of the day before the day the first building permit is issued for the development. The values shall be referenced in the Special Conditions and Building Restrictions of the Subdivision Agreement.

- The Noise Feasibility Study prepared by HGC Engineering Ltd. Recommends that dwelling units affected by excessive noise levels as determined by the MEPC guidelines, should be designed for future installation of air conditioning units and that future occupants be advised to that effect through warning clauses as part of the subdivision approval process.

If you have any questions regarding the above comments, please do not hesitate to contact me.



CANADA POST
955 Highbury Ave N
London ON N5Y 1A3
CANADAPOST.CA

POSTES CANADA
955 Highbury Ave N
London ON N5Y 1A3
POSTESCANADA.CA

April 30, 2020

RACHELLE LAROCQUE
CITY OF WELLAND
60 EAST MAIN STREET
WELLAND, ON L3B 3X4

Re: Canal Trail Estates

Dear Rachelle,

This development will receive mail service to centralized mail facilities provided through our Community Mailbox program.

I will specify the conditions which I request to be added for Canada Post Corporation's purposes.

The owner shall complete to the satisfaction of the Director of Engineering of the City of Welland and Canada Post:

- a) Include on all offers of purchase and sale, a statement that advises the prospective purchaser:
 - i) that the home/business mail delivery will be from a designated Centralized Mail Box.
 - ii) that the developers/owners be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.
- b) The owner further agrees to:
 - i) work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the subdivision.



- ii) install a concrete pad in accordance with the requirements of and in locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes
 - iii) identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of subdivision.
 - iv) determine the location of all centralized mail receiving facilities in co-operation with Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans. Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.
- a) Canada Post's multi-unit policy, which requires that the owner/developer provide the centralized mail facility (front loading lockbox assembly or rear-loading mailroom [mandatory for 100 units or more]), at their own expense, will be in effect for buildings and complexes with a common lobby, common indoor or sheltered space.

Should the description of the project change, I would appreciate an update in order to assess the impact of the change on mail service.

If you have any questions or concerns regarding these conditions, please contact me.

I appreciate the opportunity to comment on this project.

Regards,

A. Carrigan

Andrew Carrigan
Delivery Services Officer
Andrew.Carrigan@canadapost.ca

Rachelle Larocque

From: Scott Richardson
Sent: August 14, 2020 2:54 PM
To: Rachelle Larocque
Cc: Julie VanLeur
Subject: RE: Notice of Public Meeting - Canal Trail Draft Plan of Subdivision (26T-14-20004)

Rachelle,

I provide the following comments;

1. All construction shall be in accordance with the City of Welland municipal Standards.
2. All costs associated with the development of this property shall be borne by the developer.
3. A comprehensive storm water management plan shall be submitted to the Engineering Department for review and approval.
4. The outlet for this storm run-off shall be reviewed and determined to be adequate for the amount of run-off designed. If any upgrades to the outlet storm channel from the development to the recreational waterway, these costs shall be borne by the developer.
5. A comprehensive engineering civil design shall be submitted to the City for review and approval.
6. All reinstatements to existing roadways etc shall be to as good or better condition.
7. A preconstruction survey of all existing housing units shall be undertaken to protect both the City, the contractor and the residents for insurance purposes.

Regards,



C. Scott Richardson, C.E.T.

Development Supervisor
 Engineering Division
 Infrastructures and Development Services
 Corporation of the City of Welland
 60 East Main Street, Welland, Ontario L3B 3X4
 Phone: (905)735-1700 Ext. 2222 Fax: (905)735-7184
www.welland.ca



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From: Rachelle Larocque <rachelle.larocque@welland.ca>

Sent: August 13, 2020 3:50 PM

To: CARRIGAN, Andrew <andrew.carrigan@canadapost.postescanada.ca>; randy.leppert@cogeco.com; planification@cscmonavenir.ca; bertrandm@csviamonde.ca; Dave Stuart <dave.stuart@welland.ca>; scott.whitwell@ncdsb.com; Municipal Planning <MunicipalPlanning@enbridge.com>; Paula Albano <paula.albano@welland.ca>; Matt Richardson <matt.richardson@welland.ca>; Tanya Lamb <tanya.lamb@welland.ca>; Brian Kennedy <brian.kennedy@welland.ca>; Scott Richardson <scott.richardson@welland.ca>; Peter Boyce <peter.boyce@welland.ca>; Sherri-Marie Millar <sherri-marie.millar@welland.ca>; Vince Beaudoin

<vince.beaudoin@welland.ca>; Ali Khan <ali.khan@welland.ca>; mmm@mmm.ca; David Deluce <ddeLUce@npca.ca>; Lindsay Earl <lindsay.earl@niagararegion.ca>; Jack Tosta <jack.tosta@welland.ca>; Ashley Grigg <cityclerk@portcolborne.ca>; randy.leppert@cogeco.com; Richard Dalton <richard.dalton@welland.ca>; Municipal Planning <MunicipalPlanning@enbridge.com>; Lynda Busch (info@niagarahomebuilders.ca) <info@niagarahomebuilders.ca>; plan@niagararegion.ca; Alderman, Aimee <Aimee.Alderman@niagararegion.ca>; dpresley@mhbcpplan.com; Dan Degazio <dan.degazio@welland.ca>; Kevin Carver <kcarver@wellandhydro.com>
Cc: Matt Kernahan <matt@ucc.com>; Grant Munday <grant.munday@welland.ca>; Travers Fitzpatrick <travers.fitzpatrick@welland.ca>; clerk <clerk@welland.ca>
Subject: Notice of Public Meeting - Canal Trail Draft Plan of Subdivision (26T-14-20004)

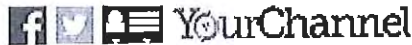
Good afternoon,

Attached please find the Notice of Public Meeting for Draft Plan of Subdivision. This application was previously circulated in April, 2020 for comments. If you have already provided comments, you do not need to resend them.

Sincerely,



Rachelle Larocque, BES, M.Sc., MCIP, RPP
 Planning Supervisor
 Planning Division
 Infrastructure and Development Services
 Corporation of the City of Welland
 60 East Main Street, Welland, Ontario L3B 3X4
Hours: 8:30am-4:30PM
Phone: (905)735-1700 Ext. 2310 **Fax:** (905)735-8772
www.welland.ca



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NIAGARA PENINSULA
CONSERVATION
AUTHORITY

250 Thorold Road West, 3rd Floor, Welland, Ontario L3C 3W2
Telephone 905.788.3135 | Facsimile 905.788.1121 | www.npcan.ca

July 13, 2020

Via Email Only

Ms. Rachelle Larocque, BES, M.Sc., MCIP, RPP
Planning Supervisor
City of Welland
60 East Main Street
Welland, ON, L3B 3X4

Our File: PLSUB202000385

Dear Ms. Larocque

**Re: Niagara Peninsula Conservation Authority (NPCA) Comments
Application for Draft Plan of Subdivision
Canal Trail
City of Welland
Applicant: Upper Canada Consulting**

The NPCA has received an application for a Draft Plan of Subdivision for the above project. In support of the applications, the NPCA also received an environmental impact study (EIS), prepared by Beacon Environmental, dated January 2020 and a functional servicing report (FSR), prepared by Upper Canada Consultants, dated March 2020. A wetland reconfiguration plan, prepared by Upper Canada Consultants, dated December 9, 2019 was also provided. The purpose of the application is to establish a subdivision consisting of 31 lots for single detached homes. We have reviewed the applications and offer the following comments.

NPCA Policies

The NPCA regulates watercourses, flood plains (up to the 100 year flood level), Great Lakes shorelines, hazardous land, valleylands, and wetlands under *Ontario Regulation 155/06* of the *Conservation Authorities Act*. The NPCA's *Policies, Procedures and Guidelines for the Administration of Ontario Regulation 155/06 and Land Use Planning Policy Document* (NPCA policies) provides direction for managing NPCA regulated features. The subject lands contain a watercourse and the Seaway Wetland Complex, which is a locally significant wetland (LSW). There is also a watercourse on the abutting lands to the south in which the watercourse buffer impacts the subject lands.

The proposed Draft Plan contains 31 lots. In order to achieve that number of lots, the applicant has proposed to remove some of the wetland and offset/compensate for the loss elsewhere on the subject lands. The NPCA's Policies do allow for offsetting of wetlands where the wetland in question

in not a Provincially Significant Wetland (PSW) and subject to the criteria in Section 8.2.2.8. The total area of wetland to be removed is approximately 946.4 square metres. This would be replaced by 1613.3 square metres of newly created wetland.

The objectives of the NPCA's Policies is firstly to promote the conservation of land through the protection of wetlands [Objective 8.2.1 (a)]. It is not the intent of Section 8.2.2.8 of the NPCA's Policies to be used to facilitate a higher density where a development can otherwise be achieved on the site. The intent of this policy is a "last resort" where there is no feasible alternative. In reviewing the proposed Draft Plan, maintaining a 15 metre buffer (where it can be demonstrated that a 15 metre buffer will sufficiently protect the ecological and hydrological function of the wetland) would result in the loss of approximately 6 lots. There is still sufficient room to accommodate the municipal road. There may be opportunities to reconfigure the existing lots to increase the density. Given this, NPCA staff cannot support the proposed Draft Plan as presently shown as it does maintain the intent of the NPCA's Policies. NPCA staff advised the Applicant of this and recommend that they explore an alternative design. NPCA staff have additional technical comments on the EIS as noted below.

Additional EIS Comments:

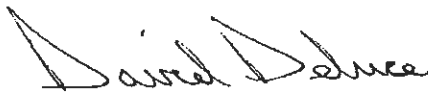
1. The EIS scoping included in Appendix A of the EIS report only includes a letter from the consultant to the Region and email correspondence from NPCA indicating they NPCA could not accept wetland compensation on this file as there was space to develop without altering the wetland polygon (EIS Appendix A). There is no communication from Ministry of Natural Resources and Forestry (MNRF) on this file.
2. The Ecological Land Classification (ELC) mapping in the EIS report appears very consistent with the mapped wetland edge, confirming the relative accuracy of the MNRF mapped LSW. However, Figure 3 alignment is off slightly and does not overlay the ELC mapping with the defined wetland limits so it's difficult to determine the accuracy of the two mapped polygons.
3. The recommendation within the EIS suggest removal of approximately 0.095 ha of wetland, a large portion of which will be maintained in its current form and referred to as "wetland buffer" to accommodate Lot 22-28. The rationale for the alteration to the wetland is planning and density requirements. Currently these lots, as drawn, would be within the wetland and wetland buffer.
4. The EIS further proposes to offset the wetland alterations on the western limits through the creation additional wetland in the southeast corner of the subject lands, an area already naturally vegetated and in large part of the protected buffer east of the wetland so it is not really new or expanded protected area and would require works within the wetland buffer to create additional wetland features such as vernal pools.
5. Ecologically, this wetland does provide wetland habitat, amphibian breeding areas and connectivity and corridor functions for local wildlife. The proposed changes will result in a net loss of wetland area as the actual new wetland area created (outside of the already protected eastern buffer area) is only a fraction of the size.

Based on the above points, there is some concern regarding the proposed removal/alteration of the western wetland limit based on the rationale provided and the premise that the wetland itself will be simply remapped as buffer when it is not supported by the ELC mapping or any actual change in the wetland edge.

Conclusion

At this time, NPCA staff are unable to support the applications as proposed. I hope this information is helpful. Please send a copy of any staff reports to Committee/Council once they are available. If you have any questions, please let me know.

Regards,



David Deluce, MCIP, RPP
Senior Manager, Planning & Regulations (ext. 224)

cc: Mr. Matt Kernahan, MCIP, RPP, Upper Canada Consultants (email only)
Mr. Lindsay Early, MCIP, RPP, Region of Niagara (email only)
Mr. Adam Aldworth, NPCA (email only)



NIAGARA PENINSULA
CONSERVATION
AUTHORITY

250 Thorold Road West, 3rd Floor, Welland, Ontario L3C 3W2
Telephone 905.788.3135 | Facsimile 905.788.1121 | www.npca.on.ca

September 30, 2020

Our File No.: PLSUB202000385

BY E-MAIL ONLY

Ms. Rachelle Larocque, BES, M.Sc., MCIP, RPP
Planning Supervisor
City of Welland
60 East Main Street
Welland, ON, L3B 3X4

Attention: Rachelle Larocque, Planning Supervisor

Subject: **Niagara Peninsula Conservation Authority (NPCA) Comments**
Application for Draft Plan of Subdivision
Canal Trail
City of Welland
Applicant: Upper Canada Consulting

The NPCA has received an application for a Draft Plan of Subdivision, "Canal Trail." The NPCA provided earlier comments dated July 13th, 2020 addressing some concerns. The applicant has provided the following documents in support of the application, Canal Estates Revised Plan, DWG No. 17117-DP Rev.1 dated February 25th, 2020 printed September 17th, 2020 prepared by Upper Canada Consultants, and an Environmental Impact Study Addendum prepared by Beacon Environmental, dated September 3rd, 2020.

NPCA Policies

The NPCA regulates watercourses, flood plains (up to the 100 year flood level), Great Lakes shorelines, hazardous land, valleylands, and wetlands under *Ontario Regulation 155/06 of the Conservation Authorities Act*. The NPCA's *Policies, Procedures and Guidelines for the Administration of Ontario Regulation 155/06 and Land Use Planning Policy Document* (NPCA policies) provides direction for managing NPCA regulated features. The subject lands contain the Seaway Wetland Complex, which is a Locally Significant Wetland.

The applicant has amended their application subsequent to the NPCA's comment letter dated July 13th 2020. The NPCA has reviewed the Canal Estates Revised Plan, DWG No. 17117-DP Rev.1 dated February 25th, 2020 printed September 17th, 2020 prepared by Upper Canada Consultants, and an Environmental Impact Study Addendum prepared by Beacon Environmental, dated September 3rd, 2020.

Based on the review of the two above mentioned studies, NPCA staff have no objections to the application as it relates to NPCA policies, subject to the recommended Conditions of Draft Plan Approval.

Conditions of Draft Plan Approval

1. A grading plan prepared by a qualified professional to the satisfaction of the NPCA showing the total limit of development and site alteration.
2. An Erosion and Sediment Control Plan be prepared by a qualified professional to the satisfaction of the NPCA.
3. That the Developer obtain a Work Permit from the Niagara Peninsula Conservation Authority prior to beginning any work within the 30-metre wetland buffer. In support of the Work Permit application, the following information will be required:
 - a. A buffer planting plan.
 - b. A grading plan prepared by a qualified professional to the satisfaction of the NPCA showing the total limit of development and site alteration.
 - c. Confirmation from a qualified professional that there will be no negative impact of the stormwater being discharged into the Provincially Significant Wetland.
 - d. A tree preservation and savings plan.
 - e. An erosion and sediment control plan prepared by a qualified professional to the satisfaction of the NPCA.
4. That the Developer provide 1.5 metre high chain link fencing along the rear lot line of Lots 1 to 10 inclusive, to the satisfaction of the Niagara Peninsula Conservation Authority.
5. That the Developer provide limit of work fencing along the rear lot line of Lots 1 to 10 inclusive and to the satisfaction of the Niagara Peninsula Conservation Authority.
6. That conditions 1 to 5 above be incorporated into the Subdivision Agreement between the Developer and the City of Welland, to the satisfaction of the Niagara Peninsula Conservation Authority. The City of Welland shall circulate the draft Subdivision Agreement to the Niagara Peninsula Conservation Authority for its review and approval.

I hope this information is helpful. Please provide a copy of any staff reports for Committee/Council consideration. If you have any questions, please let me know.

Sincerely,



Jessica Abrahamse, M.E.S.

Watershed Planner

cc:
 Mr. Matt Kernahan MCIP, RPP, Upper Canada Consultants (email only)
 Ms. Lindsay Earl, MCIP, RPP, Region of Niagara (email only)
 Mr. David Deluce, NPCA (email only)
 Mr. Adam Aldworth, NPCA (email only)



Planning and Development Services

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7
905-980-6000 Toll-free: 1-800-263-7215

Via Email Only

September 3, 2020

File No.: D.11.11.SD-20-0013

Ms. Rachelle Larocque, MCIP, RPP
Planning Supervisor
Infrastructure and Development Services
Corporation of the City of Welland
60 East Main Street
Welland, ON L3B 3X4

Dear Ms. Larocque:

Re: Regional and Provincial Comments
Canal Trail Estates Draft Plan of Subdivision
City File No.: 26T-14-20004
Applicant: Upper Canada Consultants (Matt Kernahan)
Owner: 2674963 Ontario Inc. (Vaughn Gibbons)
Address: 180 Kingsway Road
City of Welland

Regional Planning and Development Services staff has reviewed the Draft Plan of Subdivision application and supporting studies submitted by Upper Canada Consultants on behalf of 2674963 Ontario Inc. The subject lands are located at 180 Kingsway and lands immediately abutting to the east. The Draft Plan of Subdivision proposed development of 2.6 hectares of land, with 21 lots for single detached dwellings fronting on existing and proposed public roads, a block for 10 townhouse dwelling units, and a block to be transferred to the City of Welland for Environmental Protection purposes. A pre-consultation meeting for this proposal was held at the City on December 20, 2018, with staff from the City and Region, and the applicant. The following comments are provided to assist the City in their consideration of this application from a Provincial and Regional perspective.

Provincial and Regional Policies

The subject lands are located within the Welland Urban (Built-up) Area, as designated in the Regional Official Plan (ROP). The Welland Urban Area is considered as a Settlement Area by the 2020 Provincial Policy Statement (PPS) and a Delineated Built-up Area by A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth

Plan). The ROP, 2020 PPS and Growth Plan together direct development to take place in urban areas and support intensified development where appropriate servicing and infrastructure exists. Both Regional and Provincial policy place an emphasis on intensification and infill as the preferred form of development to help foster the development of complete communities that have a mix of land uses, employment opportunities, and are active-transportation and transit supportive.

The subject lands are located within the Provincially designated Built-up Area of the City of Welland. Accordingly, the residential growth will contribute towards the City's annual residential intensification target of 40%. Regional staff note that the proposed subdivision will include both single detached dwellings and townhouse dwelling units to provide a range of housing types.

Environmental Site Assessment

Due to the change in use from a previous commercial use on the subject lands (180 Kingsway) to a proposed residential subdivision development, a Record of Site Condition (RSC) under Provincial environmental legislation with the Ministry of the Environment, Conservation and Parks (MECP) is required to be filed. In accordance with O.Reg. 153/04, as amended, a RSC must be filed on the MECP Brownfield Environmental Site Registry prior to any change in land use to a more sensitive use (i.e. commercial to residential). Further, the PPS requires that contaminated sites be remediated as necessary to ensure there will be no adverse effects to the proposed use(s).

A Phase One Environmental Site Assessment (ESA; dated April 3, 2020, prepared by Wood Environment & Infrastructure Solutions) was submitted with the draft plan, which provided an evaluation of known and possible environmental issues at the property to support an RSC. The Phase One ESA identified potential contamination on the site with respect to two former aboveground storage tanks, the former in-ground hydraulic hoist, the former in-ground settling tank, and the general use of the building for automotive maintenance and repair services. The Phase One ESA indicates that a Phase Two ESA is required to address the areas of potential environmental concern identified before an RSC could be submitted. The Phase Two ESA and filing of a Record of Site Condition will be required as future conditions of draft plan approval.

Noise & Odour Impacts

The PPS calls for a coordinated, integrated and comprehensive approach to land use planning matters. Specifically, sensitive land uses are to be planned to "ensure they are appropriately designed, buffered and/or separated from each other to prevent or mitigate adverse effects from odour, noise and other contaminants, minimize risk to public health and safety..." (Policy 1.2.6.1). To implement this policy, the Ministry of the Environment, Conservation and Parks (MECP) Land Use Planning Policy guidelines (the Guidelines) are to be applied in the land use planning process to prevent or minimize future land use problems due to the encroachment of sensitive land uses on

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industrial uses. Guideline D-1 "Land Use Compatibility Guidelines", Guideline D-6 "Compatibility between Industrial Facilities and Sensitive Land Uses" as well as the MECP's Publication NPC-300 "Environmental Noise Guidelines" were used to review the applications from a land use compatibility perspective.

The development proposes residential use, which is considered a 'sensitive land use' as outlined in the guidelines, in proximity to the industrial use (sewage pumping station). The D1 and D6 guidelines indicate that industrial land uses and sensitive land uses are normally incompatible due to possible adverse effects on sensitive land uses created by industrial operations in close proximity. The guidelines indicate that a sensitive land use should not be permitted closer than the specified minimum separation distance, unless impacts from industrial activities can be mitigated to the level of "trivial impact" (i.e. not adverse effects).

At the pre-consultation meeting on December 20, 2018, Regional staff identified that an assessment of noise and odour would be required to address potential impacts on the proposed residential development from the Regional Dain City Sewage Pumping Station and Detention Facility located at 135 Talbot Avenue. According to the Planning Justification Report (dated April 2020, prepared by Upper Canada Consultants), correspondence between the Region and agent indicated that this requirement could be addressed as a condition of draft plan approval. A Noise Impact Study and Odour study will be required as future conditions of draft plan approval. These studies will need to be peer reviewed in order to verify that the findings, mitigation measures and recommendations are sufficient to satisfy Provincial and Regional policy and the aforementioned Ministry guidelines.

Natural Heritage

The lands contain and are adjacent to portions of the Region's Core Natural Heritage System (CNHS). Specifically, the CNHS on and adjacent to the property includes Environmental Conservation Areas (ECAs) associated with Significant Woodland and non-provincially or Locally Significant Wetland (LSW). Important (Type 2) Fish Habitat is located immediately adjacent to the subject lands. The Environmental Impact Study (EIS) submitted in support of the development application confirms this assessment, and also identifies an ephemeral/intermittent watercourse and Significant Wildlife Habitat on and adjacent to the property.

Regional Environmental Planning staff have reviewed the Environmental Impact Study (EIS) prepared by Beacon Environmental, dated January 2020, to verify that the findings, proposed mitigation measures and recommendations are sufficient to satisfy Regional and Provincial environmental policies. In summary, additional information is required to verify that potential impacts to the Region's CNHS can be adequately mitigated. Given the concerns described below, an EIS Addendum is requested to satisfy staff that the conclusions of the EIS are valid.

EIS Addendum Requirements

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1. Section 6.1.2 states that no mitigation measures are identified for the direct loss of Significant Woodland. The EIS asserts that removal of 1.2 ha (3 acres) of woodland will not result in significant impact because there are no significant features or functions associated with the portion of woodland to be removed, and further, that only 4% of the ECA (30 ha in total) will be removed. Staff disagree with this rationale. Compensation should be provided for the removal of a significant feature to more appropriately demonstrate no negative impact. The EIS Addendum should propose additional mitigation and general restoration measures to mitigate the loss of Significant Woodland, including but not limited to, elaboration on what the recommended Buffer/Edge Planting Plan should entail. For example, this may include a compensation planting ratio, species and location, perhaps even on adjacent lands pending landowner permission.
2. Section 7.3.2 states that "no alteration to the water flow through the wetland will occur, and this EIS has determined that no negative impacts will occur to the wetland's *ecological* functions..." (pg. 48). However, Section 6.2.1 states there is potential for post-development alteration of surface water flows to the wetland. The only mitigation proposed to prevent surface flow alteration is "to the extent possible, ensure that surface water sheet flow is directed to the wetland along the rear of the lots" via final grading (pg.42). The EIS Addendum should further expand on the wetland's *hydrological* function and how no negative impacts will occur.
3. The ephemeral/intermittent watercourse and Significant Wildlife Habitat are not addressed in terms of impacts and mitigation. If these features are protected by the wetland and its buffer, the EIS Addendum should discuss this in the context of impacts and mitigation.
4. All constraints and their recommended buffers (if applicable) should be mapped on a figure in the report (LSW, Significant Woodland, Type 2 Fish Habitat, ephemeral/intermittent watercourse and Significant Wildlife Habitat), as well as the location of all bat snag/cavity trees noted in Appendix 4.
5. Datasheets supporting the level of effort for field inventories should have been included as an appendix in the EIS. Please include all relevant correspondence and field data sheets, including ELC data cards, in the EIS Addendum. In addition, the MNRF correspondence referred to throughout the EIS is missing from Appendix 1, and Appendix 2 does not appear to provide relevant information regarding the Seaway Wetland Complex.

Next Steps

At this time, Regional Environmental Planning staff cannot recommend conditions of approval until additional information is provided to more appropriately demonstrate that the proposal will not have negative impacts on the Region's CNHS. An EIS Addendum is requested to address the above noted requirements. It is noted that the above comments and requirements were sent to the agent on June 4, 2020, and an additional meeting was held on August 19, 2020 with the agent, environmental consultant, and

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staff from the Region, NPCA and City to further discuss these comments. At the time of the meeting in August 2020, the agent and environmental consultant advised additional information would be forthcoming to address Regional Environmental Planning comments.

An Environmental Impact Study Addendum (dated September 3, 2020, prepared by Beacon Environmental) was provided to Regional staff on September 3, 2020 (date of this letter), and City staff were unable to provide an extension to allow a fulsome review of the Addendum. Once Regional Environmental staff has had an opportunity to review the Addendum, an additional response letter will be sent to the City to confirm whether the above Regional concerns have been addressed. If all concerns are adequately satisfied, staff anticipate being able to provide revised comments and conditions in support of the application.

Please note that the NPCA continues to be responsible for the review and comment on planning applications related to their regulated features. As such, NPCA should be consulted with respect to their comments and potential Work Permit requirements pursuant to Ontario Regulation 155/06.

Stormwater Management

Regional staff has reviewed the 'Functional Servicing Report Canal Trail (dated March 2020)' by Upper Canada Consultants. Based on our review on this report, the following comments are offered:

1. The Region will require that stormwater runoff from the development be captured and treated to a Normal standard as the minimum acceptable standard prior to discharge from the site.
 - a) The Region has no objection to the installation of an oil-grit separator (OGS) to meet an Enhanced standard treatment.
 - b) The Region requires justification that the imperviousness of 28.6% for OGS sizing is sufficient to reflect the development land uses that consists of roads and house lots.
2. The proposed development will not directly affect the Regional infrastructure, and the Old Welland Canal has sufficient capacity for the proposed development, therefore the Region has no management interests related to stormwater flow control. However, to ensure the City's and private lands adjacent to the site will not be negatively impacted as a result of the development, the Region would suggest the Report include justification/details on how the post-development flows from all storm events (up to and including the 100-year storm) will be safely accommodated and conveyed to the Old Welland Canal.
3. Prior to the construction, the Region will require that detailed grading, storm servicing, stormwater management, and construction sediment control drawings be submitted to this office for review and approval.

Site Servicing

Regional staff note that site servicing will be under the jurisdiction of the City of Welland and will require the construction of new water, sanitary and storm services for the proposed development. As a future condition of draft plan approval, the Region must review and approve any new/extended sanitary and storm sewer services under the Ministry of Environment, Conservation and Parks Transfer of Review Program. Detailed engineering design drawings with calculations for the services must be submitted to this department for review and approval.

- Niagara Region's Master Servicing Plan (MSP) acknowledged that there is significant growth projected in Welland relative to the existing infrastructure capacity. The Region has reviewed the recently completed Master Servicing Plan (MSP) and note that this property falls within the Dain City Sewage Pumping Station (SPS) sewer shed, which has been allocated growth out to 2041 in consultation and collaboration with the City of Welland. This study was completed at a high level and did not allocate capacities to individual properties.
- Currently, the MSP has not identified any upgrades to the Dain City Sewage Pumping Station. The existing operating capacity of the station is 94 L/sec and the ECA is for 115 L/s. The MSP identified that there are significant wet weather flows in this system. The City and Region are working together to reduce the wet weather flows in the system and the City has recently completed an Infiltration & Inflow (I&I) Study identifying Dain City as a priority area. It will be important to ensure that this new development doesn't add any additional wet weather flows.
- The Region has an on-going project for the replacement of the forcemain for operational issues for the Dain City SPS which has projects scheduled for 2020 and 2021.
- Further I&I reduction programs will be required in the Dain City and Ontario Street SPS sewersheds to allow for the ultimate flows anticipated from all the anticipated development areas.
- The Region has added the projected flows to the existing flows, and request that if the development is going to be phased, the flows be provided with the estimated timing for the phasing to better understand how the timing of the SPS and FM projects work with the potential additional flow.

A copy of the Region's Master Servicing Plan can be accessed through the following link: <http://www.niagararegion.ca/2041/master-servicing-plan/default.aspx>.

Waste Collection

Niagara Region provides curbside waste and recycling collection for developments that meet the requirements of Niagara Region's Waste Collection Policy. The subject property is eligible to receive Regional curbside waste and recycling collection provided that the owner bring the waste and recycling to the curbside on the designated pick up day, and that the following limits are not exceeded:

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- No limit blue/grey containers;
- No limit green containers; and,
- 1 garbage containers per property
- **Collection will be at the curbside only**

Region staff note that in order for Regional waste collection services to be provided, the developer/owner shall comply with Niagara Region's Corporate Waste Collection Policy. The policy can be found at the following link: www.niagararegion.ca/waste

The Draft Plan of Subdivision was reviewed based on the current policy and will require that, prior to final approval, detailed plans showing the dimensions and radii of the proposed road network and curbs be provided as well indication if there is any phasing of the development. If phasing is planned and proposed road networks based on the phasing does not provide for thru streets, Regional staff will require a revised draft plan which indicates appropriate temporary turnarounds provided wherever a thru street is not maintained. The proposed development and required turning facilities need to meet the requirements of Niagara Region's Corporate Waste Collection Policy.

Conclusion

Regional Planning and Development Services staff are unable to support the proposed Draft Plan of Subdivision for Canal Trail Estates in the City of Welland at this time, due to outstanding Environmental Planning requirements. Accordingly, Regional Conditions of Draft Plan Approval will be provided once the above requirements are addressed. Regional staff recommend that the Draft Plan of Subdivision not be approved until at least such time as the Environmental Planning staff have had the opportunity to review and comment on the EIS Addendum provided today.

If you have any questions or wish to discuss these comments, please contact the undersigned at extension 3352, or Lola Emberson, MCIP, RPP, Senior Development Planner, at extension 3518. For questions regarding the Natural Heritage/Environmental comments, please contact Cara Lampman (Manager, Environmental Planning) at 905-980-6000 ext. 3430 or cara.lampman@niagararegion.ca.

Please send notice of Council's decision regarding this application.

Best regards,



Aimee Alderman, MCIP, RPP
Development Planner

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cc: Ms. D. Morreale, MCIP, RPP, Director, Development Approvals, Niagara Region
Ms. L. Karlewicz, Planning Ecologist, Niagara Region
Ms. C. Lampman, Manager, Environmental Planning, Niagara Region
Ms. M. Ding, P.Eng., Stormwater Management Engineer, Niagara Region
Mr. M. Ramundo, Development Approvals Technician, Niagara Region

Rachelle Larocque

From: Ali Khan <ali.khan@welland.ca>
Sent: August 13, 2020 3:55 PM
To: Rachelle Larocque
Subject: RE: Notice of Public Meeting - Canal Trail Draft Plan of Subdivision (26T-14-20004)

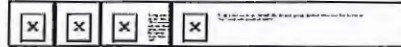
Hi Rachelle,

Applicant will be responsible for installation of streetlights on Regatta Drive as well as at the future intersection of Kingsway/Regatta.

Regards,



Muhammad Ali Khan, M.A.Sc; P.Eng.
 Supervisor Traffic, Parking & Bylaws
 Infrastructure and Development Services
 Corporation of the City of Welland
 60 East Main Street, Welland, Ontario L3B 3X4
Phone: (905)735-1700 Ext. 2202 **Fax:** (905)735-7184
www.welland.ca



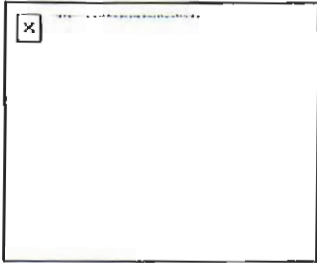
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From: Rachelle Larocque
Sent: August 13, 2020 3:50 PM
To: CARRIGAN, Andrew <andrew.carrigan@canadapost.postescanada.ca>; randy.leppert@cogeco.com; planification@cscmonavenir.ca; bertrandm@csviamonde.ca; Dave Stuart <dave.stuart@welland.ca>; scott.whitwell@ncdsb.com; Municipal Planning <MunicipalPlanning@enbridge.com>; Paula Albano <paula.albano@welland.ca>; Matt Richardson <matt.richardson@welland.ca>; Tanya Lamb <tanya.lamb@welland.ca>; Brian Kennedy <brian.kennedy@welland.ca>; Scott Richardson <scott.richardson@welland.ca>; Peter Boyce <peter.boyce@welland.ca>; Sherri-Marie Millar <sherri-marie.millar@welland.ca>; Vince Beaudoin <vince.beaudoin@welland.ca>; Ali Khan <ali.khan@welland.ca>; mmm@mmm.ca; David Deluce <ddeLUce@npca.ca>; Lindsay Earl <lindsay.earl@niagararegion.ca>; Jack Tosta <jack.tosta@welland.ca>; Ashley Grigg <cityclerk@portcolborne.ca>; randy.leppert@cogeco.com; Richard Dalton <richard.dalton@welland.ca>; Municipal Planning <MunicipalPlanning@enbridge.com>; Lynda Busch (info@niagarahomebuilders.ca) <info@niagarahomebuilders.ca>; plan@niagararegion.ca; Alderman, Aimee <Aimee.Alderman@niagararegion.ca>; dpresley@mhbcpplan.com; Dan Degazio <dan.degazio@welland.ca>; Kevin Carver <kcarver@wellandhydro.com>
Cc: Matt Kernahan <matt@ucc.com>; Grant Munday <grant.munday@welland.ca>; Travers Fitzpatrick <travers.fitzpatrick@welland.ca>; clerk <clerk@welland.ca>
Subject: Notice of Public Meeting - Canal Trail Draft Plan of Subdivision (26T-14-20004)

Good afternoon,

Attached please find the Notice of Public Meeting for Draft Plan of Subdivision. This application was previously circulated in April, 2020 for comments. If you have already provided comments, you do not need to resend them.

Sincerely,



Rachelle Larocque, BES, M.Sc., MCIP, RPP

Planning Supervisor

Planning Division

Infrastructure and Development Services

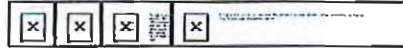
Corporation of the City of Welland

60 East Main Street, Welland, Ontario L3B 3X4

Hours: 8:30am-4:30PM

Phone: (905)735-1700 Ext. 2310 Fax: (905)735-8772

www.welland.ca



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Niagara Region

Planning and Development Services

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7
905-980-6000 Toll-free: 1-800-263-7215

Via Email Only

September 23, 2020

File No.: D.11.11.SD-20-0013

Ms. Rachelle Larocque, MCIP, RPP
Planning Supervisor
Infrastructure and Development Services
Corporation of the City of Welland
60 East Main Street
Welland, ON L3B 3X4

Dear Ms. Larocque:

**Re: Regional and Provincial Comments
Canal Trail Estates Draft Plan of Subdivision
City File No.: 26T-14-20004
Applicant: Upper Canada Consultants (Matt Kernahan)
Owner: 2674963 Ontario Inc. (Vaughn Gibbons)
Address: 180 Kingsway Road
City of Welland**

Regional Planning and Development Services staff has reviewed the Draft Plan of Subdivision application and supporting studies submitted by Upper Canada Consultants on behalf of 2674963 Ontario Inc. The subject lands are located at 180 Kingsway and lands immediately abutting to the east. The Draft Plan of Subdivision proposed development of 2.6 hectares of land, with 21 lots for single detached dwellings fronting on existing and proposed public roads, a block for 10 townhouse dwelling units, and a block to be transferred to the City of Welland for Environmental Protection purposes. A pre-consultation meeting for this proposal was held at the City on December 20, 2018, with staff from the City and Region, and the applicant. Regional staff provided comments on the previous iteration of the draft plan on September 3, 2020; the comments contained in this letter address the updated draft plan received September 17, 2020. It is noted that the updated draft plan has not altered the number of units proposed, or the road configuration; this update has increased the size of the Environmental Protection Area block (Block 23). The following comments are provided to assist the City in their consideration of this application from a Provincial and Regional perspective.

Provincial and Regional Policies

The subject lands are located within the Welland Urban (Built-up) Area, as designated in the Regional Official Plan (ROP). The Welland Urban Area is considered as a Settlement Area by the 2020 Provincial Policy Statement (PPS) and a Delineated Built-up Area by A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan). The ROP, 2020 PPS and Growth Plan together direct development to take place in urban areas and support intensified development where appropriate servicing and infrastructure exists. Both Regional and Provincial policy place an emphasis on intensification and infill as the preferred form of development to help foster the development of complete communities that have a mix of land uses, employment opportunities, and are active-transportation and transit supportive.

The subject lands are located with the Provincially designated Built-up Area of the City of Welland. Accordingly, the residential growth will contribute towards the City's annual residential intensification target of 40%. Regional staff note that the proposed subdivision will include both single detached dwellings and townhouse dwelling units to provide a range of housing types.

Environmental Site Assessment

Due to the change in use from a previous commercial use on the subject lands (180 Kingsway) to a proposed residential subdivision development, a Record of Site Condition (RSC) under Provincial environmental legislation with the Ministry of the Environment, Conservation and Parks (MECP) is required to be filed. In accordance with O.Reg. 153/04, as amended, a RSC must be filed on the MECP Brownfield Environmental Site Registry prior to any change in land use to a more sensitive use (i.e. commercial to residential). Further, the PPS requires that contaminated sites be remediated as necessary to ensure there will be no adverse effects to the proposed use(s).

A Phase One Environmental Site Assessment (ESA; dated April 3, 2020, prepared by Wood Environment & Infrastructure Solutions) was submitted with the draft plan, which provided an evaluation of known and possible environmental issues at the property to support an RSC. The Phase One ESA identified potential contamination on the site with respect to two former aboveground storage tanks, the former in-ground hydraulic hoist, the former in-ground settling tank, and the general use of the building for automotive maintenance and repair services. The Phase One ESA indicates that a Phase Two ESA is required to address the areas of potential environmental concern identified before an RSC could be submitted. Accordingly, conditions have been included in Appendix 1 requiring the completion and submission of a Phase Two Environmental Site Assessment and Record of Site Condition.

Noise & Odour Impacts

The PPS calls for a coordinated, integrated and comprehensive approach to land use planning matters. Specifically, sensitive land uses are to be planned to "ensure they are appropriately designed, buffered and/or separated from each other to prevent or mitigate adverse effects from odour, noise and other contaminants, minimize risk to public health and safety..." (Policy 1.2.6.1). To implement this policy, the Ministry of the Environment, Conservation and Parks (MECP) Land Use Planning Policy guidelines (the Guidelines) are to be applied in the land use planning process to prevent or minimize future land use problems due to the encroachment of sensitive land uses on industrial uses. Guideline D-1 "Land Use Compatibility Guidelines", Guideline D-6 "Compatibility between Industrial Facilities and Sensitive Land Uses" as well as the MECP's Publication NPC-300 "Environmental Noise Guidelines" were used to review the applications from a land use compatibility perspective.

The development proposes residential use, which is considered a 'sensitive land use' as outlined in the guidelines, in proximity to the industrial use (sewage pumping station). The D1 and D6 guidelines indicate that industrial land uses and sensitive land uses are normally incompatible due to possible adverse effects on sensitive land uses created by industrial operations in close proximity. The guidelines indicate that a sensitive land use should not be permitted closer than the specified minimum separation distance, unless impacts from industrial activities can be mitigated to the level of "trivial impact" (i.e. not adverse effects).

At the pre-consultation meeting on December 20, 2018, Regional staff identified that an assessment of noise and odour would be required to address potential impacts on the proposed residential development from the Regional Dain City Sewage Pumping Station and Detention Facility located at 135 Talbot Avenue. According to the Planning Justification Report (dated April 2020, prepared by Upper Canada Consultants), correspondence between the Region and agent indicated that this requirement could be addressed as a condition of draft plan approval. As such, conditions have been included in Appendix 1 requiring the completion of a Noise Impact Study and Odour Study and implementation of associated warning clauses in the subdivision agreement. The air quality and noise study will need to be peer reviewed in order to verify that the findings, mitigation and recommendations are sufficient to satisfy Provincial and Regional policy and the aforementioned Ministry guidelines. Any recommendations or mitigation measures may result in required changes to the site layout.

Natural Heritage

The lands located at 180 Kingsway Road, City of Welland, contain and are adjacent to portions of the Region's Core Natural Heritage System (CNHS). Specifically, the CNHS on and adjacent to the property includes Environmental Conservation Areas (ECAs) associated with Significant Woodland and non-provincially or Locally Significant Wetland (LSW). Important (Type 2) Fish Habitat is located immediately adjacent to the subject lands. The Environmental Impact Study (EIS) submitted in support of the

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development application confirms this assessment, and also identifies an ephemeral/intermittent watercourse and Significant Wildlife Habitat on and adjacent to the property.

Regional Environmental Planning staff most recently provided comments on this application in May of 2020 in response to the submission of an EIS prepared by Beacon Environmental, dated January 2020. Since that time an EIS Addendum has been prepared (Beacon Environmental, September 3, 2020) and the Draft Plan has been revised in order to keep all development and site alteration outside the wetland feature and associated 15 metre buffer and to revise the boundaries of lots 1-5 to allow for additional retention of the significant woodland feature impacting the subject lands.

Regional Environmental Planning staff have reviewed the originally submitted EIS (Beacon Environmental, January 2020), the EIS Addendum (Beacon Environmental, September 2020) and the revised Draft Plan (Upper Canada Consultants, September 17, 2020) to verify that the findings, proposed mitigation measures and recommendations are sufficient to satisfy Regional and Provincial environmental policies. Staff do not object to the development proposal in principle, provided all required authorizations are received from applicable regulatory agencies and the mitigation measures identified in the EIS and further elaborated on below are incorporated into all future plans.

Regional staff note that the updated Draft Plan avoids all development and site alteration within the wetland feature and associated buffer area and reduces the amount of woodland removal by roughly 0.105 hectares. In addition, the Environmental Impact Study Addendum (Beacon Environmental, September 2020) recommends that the following additional mitigation measures are to be incorporated into the plan:

- A Buffer Planting Plan which ensures the incorporation of additional plantings on to the site which will result in an increase in the quality of the natural heritage features to be retained.
- A Grading Plan which ensures current surface water flows are maintained to the wetland feature.

It should be noted that the Buffer Planting Plan should include a basic monitoring strategy that ensures the long term survival of the vegetation. Additionally, Regional staff recommend that as many trees, within the residentially zoned lands, be retained as possible. The required Tree Savings Plan should ensure that only trees required to be removed in order to facilitate the development are lost. Conditions to implement the above mitigation measures, and associated works, are included in Appendix 1.

Stormwater Management

Regional staff has reviewed the 'Functional Servicing Report Canal Trail (dated March 2020)' by Upper Canada Consultants. Based on our review on this report, the following comments are offered:

1. The Region will require that stormwater runoff from the development be captured and treated to a Normal standard as the minimum acceptable standard prior to discharge from the site.
 - a) The Region has no objection to the installation of an oil-grit separator (OGS) to meet an Enhanced standard treatment.
 - b) The Region requires justification that the imperviousness of 28.6% for OGS sizing is sufficient to reflect the development land uses that consists of roads and house lots.
2. The proposed development will not directly affect the Regional infrastructure, and the Old Welland Canal has sufficient capacity for the proposed development, therefore the Region has no management interests related to stormwater flow control. However, to ensure the City's and private lands adjacent to the site will not be negatively impacted as a result of the development, the Region would suggest the Report include justification/details on how the post-development flows from all storm events (up to and including the 100-year storm) will be safely accommodated and conveyed to the Old Welland Canal.
3. Prior to the construction, the Region will require that detailed grading, storm servicing, stormwater management, and construction sediment control drawings be submitted to this office for review and approval.

Site Servicing

Regional staff note that site servicing will be under the jurisdiction of the City of Welland and will require the construction of new water, sanitary and storm services for the proposed development. As a future condition of draft plan approval, the Region must review and approve any new/extended sanitary and storm sewer services under the Ministry of Environment, Conservation and Parks Transfer of Review Program. Detailed engineering design drawings with calculations for the services must be submitted to this department for review and approval.

- Niagara Region's Master Servicing Plan (MSP) acknowledged that there is significant growth projected in Welland relative to the existing infrastructure capacity. The Region has reviewed the recently completed Master Servicing Plan (MSP) and note that this property falls within the Dain City Sewage Pumping Station (SPS) sewer shed, which has been allocated growth out to 2041 in consultation and collaboration with the City of Welland. This study was completed at a high level and did not allocate capacities to individual properties.
- Currently, the MSP has not identified any upgrades to the Dain City Sewage Pumping Station. The existing operating capacity of the station is 94 L/sec and the ECA is for 115 L/s. The MSP identified that there are significant wet weather flows in this system. The City and Region are working together to reduce the wet weather flows in the system and the City has recently completed an Infiltration & Inflow (I&I) Study identifying Dain City as a priority area. It will be important to ensure that this new development doesn't add any additional wet weather flows.

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- The Region has an on-going project for the replacement of the forcemain for operational issues for the Dain City SPS which has projects scheduled for 2020 and 2021.
- Further I&I reduction programs will be required in the Dain City and Ontario Street SPS sewersheds to allow for the ultimate flows anticipated from all the anticipated development areas.
- The Region has added the projected flows to the existing flows, and request that if the development is going to be phased, the flows be provided with the estimated timing for the phasing to better understand how the timing of the SPS and FM projects work with the potential additional flow.

A copy of the Region's Master Servicing Plan can be accessed through the following link: <http://www.niagararegion.ca/2041/master-servicing-plan/default.aspx>.

Waste Collection

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- No limit blue/grey containers;
- No limit green containers; and,
- 1 garbage containers per property
- **Collection will be at the curbside only**

Region staff note that in order for Regional waste collection services to be provided, the developer/owner shall comply with Niagara Region's Corporate Waste Collection Policy. The policy can be found at the following link: www.niagararegion.ca/waste

The Draft Plan of Subdivision was reviewed based on the current policy and will require that, prior to final approval, detailed plans showing the dimensions and radii of the proposed road network and curbs be provided as well indication if there is any phasing of the development. If phasing is planned and proposed road networks based on the phasing does not provide for thru streets, Regional staff will require a revised draft plan which indicates appropriate temporary turnarounds provided wherever a thru street is not maintained. The proposed development and required turning facilities need to meet the requirements of Niagara Region's Corporate Waste Collection Policy.

Conclusion

Regional Planning and Development Services staff has no objection to the Draft Plan of Subdivision for Canal Trail Estates in the City of Welland, subject to the satisfaction of any local requirements and the Conditions listed in Appendix 1.

D.11.11.SD-20-0013
September 23, 2020

If you have any questions or wish to discuss these comments, please contact the undersigned at extension 3352, or Lola Emberson, MCIP, RPP, Senior Development Planner, at extension 3518. For questions regarding the Natural Heritage/Environmental comments, please contact Cara Lampman (Manager, Environmental Planning) at 905-980-6000 ext. 3430 or cara.lampman@niagararegion.ca.

Please send notice of Council's decision regarding this application.

Best regards,



Aimee Alderman, MCIP, RPP
Development Planner

cc: Ms. D. Morreale, MCIP, RPP, Director, Development Approvals, Niagara Region
Ms. C. Lampman, Manager, Environmental Planning, Niagara Region
Ms. M. Ding, P.Eng., Stormwater Management Engineer, Niagara Region
Mr. M. Ramundo, Development Approvals Technician, Niagara Region

Appendix 1

Conditions of Draft Plan Approval

1. That prior to approval of the final plan, the owner shall submit a copy of a Phase 2 Environmental Site Assessment (ESA) prepared by a qualified person in accordance with Ontario Regulation 153/04, as amended, to the Niagara Region Planning and Development Services Department to address the change in use of the previously commercial lands at 180 Kingsway.
2. That the subdivision agreement between the owner and the City of Welland contain provisions whereby the owner agrees to implement the recommendations, if any, of the Phase 2 Environmental Site Assessment (ESA) required in accordance with Condition 1.
3. That the owner shall file a Record of Site Condition (RSC) on the Ministry of Environment, Conservation and Parks' [Brownfields] Environmental Site Registry in accordance with Ontario Regulation 153/04, as amended, and that the owner provide the Niagara Region Planning and Development Services Department and the City with copies of the Environmental Site Assessment(s) and site remediation reports as well as a copy of the Ministry of Environment, Conservation and Parks' written acknowledgement of the filing of the RSC.
4. That the owner submit an air quality (odour) and noise assessment to determine potential impacts from the nearby Dain City Sewage Pumping Station (135 Talbot Avenue) to the satisfaction of Regional Planning and Development Services. Note: the air quality assessment for odour and/or noise assessment may be subject to peer review, at the expense of the owner/developer.
5. That the subdivision agreement between the owner and the City of Welland contain provisions whereby the owner agrees to implement the recommendations, if any, of the air quality and noise assessments required in accordance with Condition 4.
6. That the subdivision agreement between the owner and the City of Welland, and any Agreements of Purchase and Sale or Lease for each dwelling unit, include any warning clauses required in accordance with Condition 4, and the following clause:

"Due to the proximity of the subdivision lands to the Dain City Sewage Pumping Station, Purchasers/Tenants are advised that, despite the inclusion of noise/odour control features in the development and within the building units, periodic emissions of unpleasant odours and noise from the normal or emergency operations of this facility, for an unspecified duration, may occur and may adversely affect the residents of this development."
7. That vegetation removals be undertaken between October 1st and March 14th, outside of both the breeding bird nesting period and active bat season.

D.11.11.SD-20-0013
September 23, 2020

8. That standard best management construction practices shall be used to mitigate construction dust, noise and/or exhaust fumes and prevent spills.
9. That a Buffer Planting Plan be prepared for Regional staff approval, preferably by a full member of the Ontario Association of Landscape Architects (OALA), to identify and illustrate the location of additional native trees, shrubs and groundcover to be planted.
10. A Grading Plan is to be developed and provided to Regional staff for approval in order to ensure the surface water flows associated with rear of lots 1 through 7, and lots 10 through 15 are directed to the wetland area.
11. That permanent rear-lot fencing be provided for all lots bordering on the retained Environmental Protection Areas. A no-gate bylaw is recommended to reduce human encroachment and limit the movement of pets into the adjacent natural areas.
12. That the Erosion and Sediment Control (ESC) Plan be provided for Regional staff approval. The ESC Plan shall include details for, but not be limited to, ESC fencing and other ESC measures, dust suppression and topsoil storage. ESC measures must be monitored regularly to ensure they are functioning properly and promptly fixed if issues are identified.
13. That the Tree Saving Plan prepared in accordance with the Region of Niagara Tree and Forest Conservation By-law (By-law 30-2008) Section 1.36 be provided for Regional staff approval.
14. That the subdivision agreement between the owner and the City of Welland contain wording wherein the owner agrees to implement the recommendations of the approved Grading Plan, ESC Plan, Buffer Planting Plan, and Tree Saving Plan.
15. That prior to approval of the final plan or any on-site grading, the owner shall submit a detailed stormwater management plan for the subdivision and the following plans designed and sealed by a qualified professional engineer in accordance with the Ministry of the Environment documents entitled Stormwater Management Planning and Design Manual, March 2003 and Stormwater Quality Guidelines for New Development, May 1991, or their successors to the Niagara Region for review and approval:
 - a. Detailed lot grading, servicing and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site;
 - b. Detailed erosion and sedimentation control plans;
 - c. Detailed phasing of construction of the stormwater management facility to coincide with phasing of development of residential lands (internal and external to the subdivision) planned to be serviced by the stormwater management facility.

16. That the subdivision agreement between the owner and the City contain provisions whereby the owner agrees to implement the approved plan(s) required in accordance with the approved Stormwater Management Plan.
17. That the owner provides a written acknowledgement to Niagara Region Planning and Development Services Department stating that draft approval of this subdivision does not include a commitment of servicing allocation by Niagara Region as servicing allocation will not be assigned until the plan is registered and that any pre-servicing will be at the sole risk and responsibility of the owner.
18. That the owner provides a written undertaking to Niagara Region Planning and Development Services Department stating that all Offers and Agreements of Purchase and Sale or Lease, which may be negotiated prior to registration of this subdivision shall contain a clause indicating that servicing allocation for the subdivision will not be assigned until the plan is registered, and a similar clause be inserted in the subdivision agreement between the owner and the City.
19. That prior to final approval for registration of this plan of subdivision, the owner shall submit the design drawings [with calculations] for the new sanitary and storm sewers required to service this development and obtain the necessary Ministry of the Environment, Conservation and Parks Compliance Approval under the Transfer of Review Program.
20. That the owner/developer ensure, throughout all phases of development, that all streets and development blocks can provide an access in accordance with the Niagara Region's Corporate Policy and By-laws relating to the curbside collection of waste and recycling. Where a through street is not maintained, the owner/developer shall provide a revised draft plan to show an appropriate temporary turnaround to permit Regional waste collection services.
21. That the owner/developer shall comply with Niagara Region's Corporate Policy for Waste Collection.

Clearance of Conditions

Prior to granting final approval, the City of Welland must be in receipt of written confirmation that the requirements of each condition have been met satisfactorily and that all fees have been paid to the satisfaction of the Niagara Region.

Subdivision Agreement

Prior to final approval for registration, a copy of the executed Subdivision Agreement for the proposed development should be submitted to the Regional Planning and Development Services Department for verification that the appropriate clauses have been included.

D.11.11.SD-20-0013
September 23, 2020

Note: The Development Services Division recommends that a copy of the draft agreement be provided in order to allow for the incorporation of any necessary revisions prior to execution.



April 14, 2020

Grant Munday, B.A.A, MCIP, RPP
Manager of Development Approvals
City of Welland
60 East Main Street
Welland, ON L3B 3X4

Dear Mr. Munday,

RE: Application for Draft Plan of Subdivision (26T-14-20004) 180 Kingsway (Canal Trail)

Welland Hydro Electric System Corp. (WHESC) does not object to the proposed applications(s).

The applicant shall contact WHESC's Engineering Department to determine servicing details and requirements by emailing Engineering@wellandhydro.com.

If existing WHESC's infrastructure is required to be relocated or temporary Hydro service is required, all costs are the responsibility of the applicant.

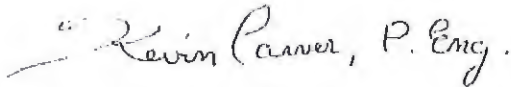
If easement(s) are required by WHESC to service this development or any future adjacent developments, the applicant will provide at their expense all necessary registered easements.

The proposed development must meet the clearance requirements of section 3.1.19.1 "Clearance to Buildings" of the Ontario Building Code.

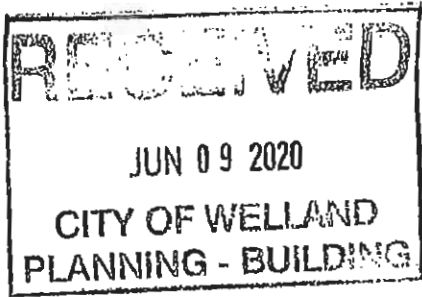
WHESC reserves the right to amend or remove development conditions.

If you require further information, please contact our Engineering Department.

Sincerely,



Kevin Carver, P. Eng., ME
Director of Engineering & Operations
WELLAND HYDRO-ELECTRIC SYSTEM CORP.



Burke MacGillivray
103 Talbot Avenue
Welland, ON L3B 6E9
905-732-7571

June 1, 2020

Planning Division
City of Welland
60 East Main Street
Welland, ON L3B 3X4

Subject: Proposed Subdivision Canal Trail Estates- Objection

I am objecting to this development on the following grounds:

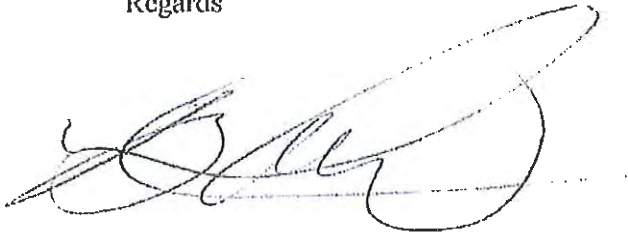
1. **Safety-** There is only one entry to and exit from Dain City since the demolition of the Forks Road Bridge. The single road into the area includes a level crossing and a train in the crossing could delay an emergency vehicle from reaching its destination. The alternate locked route along the canal is ludicrous. By the time an emergency vehicle has decided to use and then unlock the gates the emergency may have unfortunately passed.
2. **Soil and settlement/subsidence-** Last Fall a geotechnical team did soil sampling to the north and south of the proposed development. The team tested the soil on both sides of the marshy area. One setup was approximately 100 feet south of Talbot Avenue on the Regatta Avenue proposed extension. The technicians drilled to a depth of twenty (20) feet and encountered nothing but wet muck, possibly silt or a silt/clay mixture. This mixture is not a particularly stable material for either roads or housing construction as

demonstrated by subsidence and settling issues in the neighborhood where foundations have cracked and in one case the house had to be raised and a new foundation installed.

3. **Drainage-** Currently, the runoff water from my roof and that of my neighbors is directed to a swale that ultimately empties into a local waterway and then into the canal. What provisions will be made to ensure safe drainage from my property and that of my neighbors without the runoff adding additional stress to the storm sewer system and the Talbot Avenue pump station?
4. **Wastewater management-** Will the pump station at the end of Talbot Avenue have sufficient capacity to handle the increased waste water and storm sewer volumes during times of heavy rain or will the city have to have pump trucks and bulk liquid carriers on stand-by to manage the excess volume?
5. **Designated conservation and wetlands-** the Schedule A Zone map for the City of Welland designates much of the land to the south of Talbot Avenue as environmentally protected. Based on the zone maps the protected area begins at the south end of my property and that of my neighbors and includes the area of the proposed development.
6. **Species habitat-** Several years ago environmental professors and students from Brock University studied the area proposed for development and identified the area as the habitat of endangered species or species of interest to the Government of Ontario. This would include snapping turtles which live and breed in the area and would lose habitat with the construction of additional housing in this area would destroy their habitat as well as that of other species. Has the situation changed since the study or is the City of Welland planning on participating in the destruction of the habitat of at-risk species?

7. **Housing Density** – The plot plans as presented on the developers billboard indicate lot widths significantly narrower than those on Talbot avenue and surrounding streets. Is this developer's intention to build dramatically higher density housing than the rest of Dain City?

Regards

A handwritten signature in black ink, appearing to read 'Burke MacGillivray', written over a horizontal dotted line.

Burke MacGillivray

Rachelle Larocque

From: Theresa Ettore <theresa.ettore@welland.ca>
Sent: June 2, 2020 3:42 PM
To: Grant Munday; Rachelle Larocque; Travers Fitzpatrick
Subject: FW: OBJECTION: CANAL TRAILS SUBDIVISION

FYI....

**Theresa Ettore**

Administrative Assistant to the Mayor
 Office of the Mayor
 Corporation of the City of Welland
 60 East Main Street, Welland, Ontario L3B 3X4
Phone: (905)735-1700 Ext. 2101 **Fax:** (905)735-1543
www.welland.ca



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From: Burke MacGillivray [mailto:burkemacg@gmail.com]
Sent: June 1, 2020 3:42 PM
To: Councillor Bonnie Fokkens <bonnie.fokkens@welland.ca>; mayor <mayor@welland.ca>; Jburch-CO@ndp.on.ca
Subject: OBJECTION: CANAL TRAILS SUBDIVISION

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Ms. Fokkens, Mr. Burch, Mr. Campion,

Here is a copy of my letter of objection I have submitted to Welland's Planning Department.

Regards
 Burke MacGillivray
 103 Talbot Avenue
 Welland, ON
 905-732-7571

Planning Division
 City of Welland
 60 East Main Street

Welland, ON L3B 3X4

Subject: Proposed Subdivision Canal Trail Estates- Objection

I am objecting to this development on the following grounds:

1. **Safety-** There is only one entry to and exit from Dain City since the demolition of the Forks Road Bridge. The single road into the area includes a level crossing and a train in the crossing could delay an emergency vehicle from reaching its destination. The alternate locked route along the canal is ludicrous. By the time an emergency vehicle has decided to use and then unlock the gates the emergency may have unfortunately passed.
2. **Soil and settlement/subsidence-** Last Fall a geotechnical team did soil sampling to the north and south of the proposed development. The team tested the soil on both sides of the marshy area. One setup was approximately 100 feet south of Talbot Avenue on the Regatta Avenue proposed extension. The technicians drilled to a depth of twenty (20) feet and encountered nothing but wet muck, possibly silt or a silt/clay mixture. This mixture is not a particularly stable material for either roads or housing construction as demonstrated by subsidence and settling issues in the neighborhood where foundations have cracked and in one case the house had to be raised and a new foundation installed.
3. **Drainage-** Currently, the runoff water from my roof and that of my neighbors is directed to a swale that ultimately empties into a local waterway and then into the canal. What provisions will be made to ensure safe drainage from my property and that of my neighbors without the runoff adding additional stress to the storm sewer system and the Talbot Avenue pump station?
4. **Wastewater management-** Will the pump station at the end of Talbot Avenue have sufficient capacity to handle the increased waste water and storm sewer volumes during times of heavy rain or will the city have to have pump trucks and bulk liquid carriers on stand-by to manage the excess volume?

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6. **Species habitat-** Several years ago environmental professors and students from Brock University studied the area proposed for development and identified the area as the habitat of endangered species or species of interest to the Government of Ontario. This would include snapping turtles which live and breed in the area and would lose habitat with the construction of additional housing in this area would destroy their habitat as well as that of other species. Has the situation changed since the study or is the City of Welland planning on participating in the destruction of the habitat of at-risk species?
7. **Housing Density** – The plot plans as presented on the developers billboard indicate lot widths significantly narrower than those on Talbot avenue and surrounding streets. Is this developer's intention to build dramatically higher density housing than the rest of Dain City?

Regards

Burke MacGillivray

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Rachelle Larocque

From: Burke MacGillivray <burkemacg@gmail.com>
Sent: September 3, 2020 3:35 PM
To: Rachelle Larocque
Subject: Beacon Enviromental Response

WARNING: This email originated from an external sender. eMail from City of Welland email accounts will not begin with this warning! Please do not click links or open attachments unless you are sure they are safe!

Dear Ms. Larocque,

Here is my response to the environmental report issued by Beacon Environmental in support of the proposed development. After reading the report, it is not as thorough as initial appearances indicate. It is a generic template where the authors' drop in an occasional paragraph of findings or opinions. Only occasionally is there a close link between regulations quoted and survey findings. It appears to have been written to both impress and discourage a casual reader. It is packed full of "stuff" that the reader must plough through to find a conclusion. The author/developer wants to hide the inadequacy of the report through pages of gobbledygook. A reader must plow through pages of "stuff" to ferret out any quality information. This report appears to be written in a manner that gives the developer the answer he desires and needs to proceed.

Based on the number of days investigators were at the proposed site, it appears the bulk of their time was tromping through the lot identifying vegetation, which would make it difficult to identify animal life. The report seems to suggest that attempts to identify other species that live in the area were very casual. Finding all the animals that have been found in the past requires care and patience which would have added to the cost of the survey.

In section 6.31 and 6.3.2 the authors use the terms such as only "only" to suggest "merely" and express marsh destruction using numbers that appear very small, for example 0.011ha or 0.08 ha. Specifically:

"The woodland that will be remove (sic) represent **only 4%** of a much larger woodland block that lies to the north and south of the subject lands" (emphasis mine, quote from 6.3.1)

"For the proposed development **0.011 ha** of marsh wetland will be infilled. This **small** area along the edge of the wetland does not support significant wetland habitat or functions." (emphasis mine, quote from 6.3.2)

The developer proudly states there will be a 15 meter buffer between the development and the wetland boundary, except where this is not convenient. Specifically, in section 6.2.2.1 "The rear lots lines of Lots 22 through 28 will encroach into 0.080 ha of the 15 m buffer lands to the existing wetland boundary." The developer wants to comply with regulations except where it is inconvenient. By using small numbers attempts to hide the true impact of destruction and encroachment. The .091 ha (0.011+0.080) is equivalent to two (2) building lots.

If approved the developer will destroy part of a marsh and encroach on a portion of a required buffer. This leaves the door wide open for the next phase or next developer to destroy more marsh and wetland. The camel's nose is in the tent. This establishes a precedent for this and other developers to destroy wetland and marsh. How can the city deny one developer after giving permission to another to destroy wetland and marsh? Is there an acceptable level of destruction?

This report is an attempt to contradict and overturn Welland's designation of this area as Core Natural Heritage which was based on a past exhaustive study by trained biologists and their associates who found endangered and at-risk species.

Regards,

Burke MacGillivray B.Eng., BA

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Rachelle Larocque

From: Burke MacGillivray <burkamacg@gmail.com>
Sent: September 7, 2020 2:40 PM
To: Rachelle Larocque
Subject: Beacon Environmental Survey- addendum

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Ms. Larocque,
There was a comment in the assessment that the observers did not see a nuthatch. I have seen them from my deck at the edge of the lot under consideration.

FYI
Burke MacGillivray

This email has been scanned for spam and viruses by Proofpoint Essentials. Click [here](#) to report this email as spam.

Rachelle Larocque

From: Nancy Lockhart <nancylockhart3@gmail.com>
Sent: September 3, 2020 5:30 PM
To: Rachelle Larocque
Subject: Proposed Dain City Development off Talbot Avenue
Attachments: IMG_1251.JPG; image[1].png; 20200903_170738.jpg; 20200903_170758.jpg; 20200903_171003.jpg; 20200903_171043.jpg; 20200903_171102.jpg

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Dear Rachelle,

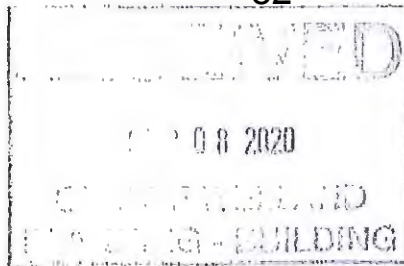
My husband and I have lived at 125 Talbot Avenue for over a decade, at the southeast end of the street bordering the sewage pumping station. A favourite aspect of our property is the wildlife sanctuary in the marshy woods behind us.

In addition to the plethora of bird species which habitate the mature trees, I personally have watched emerge from the wooded plot a wide variety of creatures, who clearly thrive in the habitat. Among the wildlife which come into view, are wild turkeys, snapping turtles, deer, raccoons, possums, rabbits, fox, snakes and bats; many of which I have photographed over the years.

A recently proposed development south of Talbot Avenue will undoubtedly have a detrimental impact on the creatures we proudly harbour in this community. I am hoping this sample of pictures will encourage you to help protect the most vulnerable residents of our beautiful haven.

I respectfully ask that my letter and photographic evidence be circulated at the meeting of Welland City Council September 15, 2020.

Sincerely,
Nancy Lockhart
125 Talbot Avenue



September 03/2020

I am submitting this letter to express my concerns over the proposed subdivision (File # 26T-14-20004) behind Talbot Ave. in Dain City and to the east of Kingsway. I reside at 125 Talbot beside the pumping station. We have observed on that land, deer, snapping turtles, rabbits, fox, frogs, raccoons and many varieties of birds. With development on this narrow section of land which is bordered by the canals, the result will be to further reduce the already limited habitat for the wildlife and the removal of many trees and plants.

The land by the southern tip of the pumping station where the drainage ditch enters the wooded area is often saturated. It is sort of a "wetlands" type area. Especially in late winter or spring with rain and melting, this area remains water logged for extended periods of time. How will drainage be affected by this? Where will the water go?

Another concern is the land the homes will be built on. This kind of swampy, unstable land may cause problems with foundations. I know the city puts the responsibility on the builder to meet required code or standards. However that is no guarantee it will be problem free. That precedent has already been set as there have been problems with shifting foundations in the surrounding neighbourhood. I am aware of one former resident on Henley Court who was involved in litigation over issues with her house foundation.

Furthermore, there have been increased concerns among residents over the problems of flooded basements. Just a few months ago homes on Talbot and other parts of Dain City were flooded once again. My neighbour's home has had extensive damage twice in two years from water and sewage backup. (We) have had major sewer problems

(DAIN CITY)

with a blocked force-main in addition to the storm water issues. I would urge the city to exercise some caution and restraint not on just the proposed subdivision with regard to this letter but to all future development in the area until they can rectify the water and sewage problems.

I understand that the city needs/wants more revenue from new home construction. However I would ask that council carefully consider this proposed plan because of the concerns noted. At the very least I am hoping there might be some compromise or revision to it.

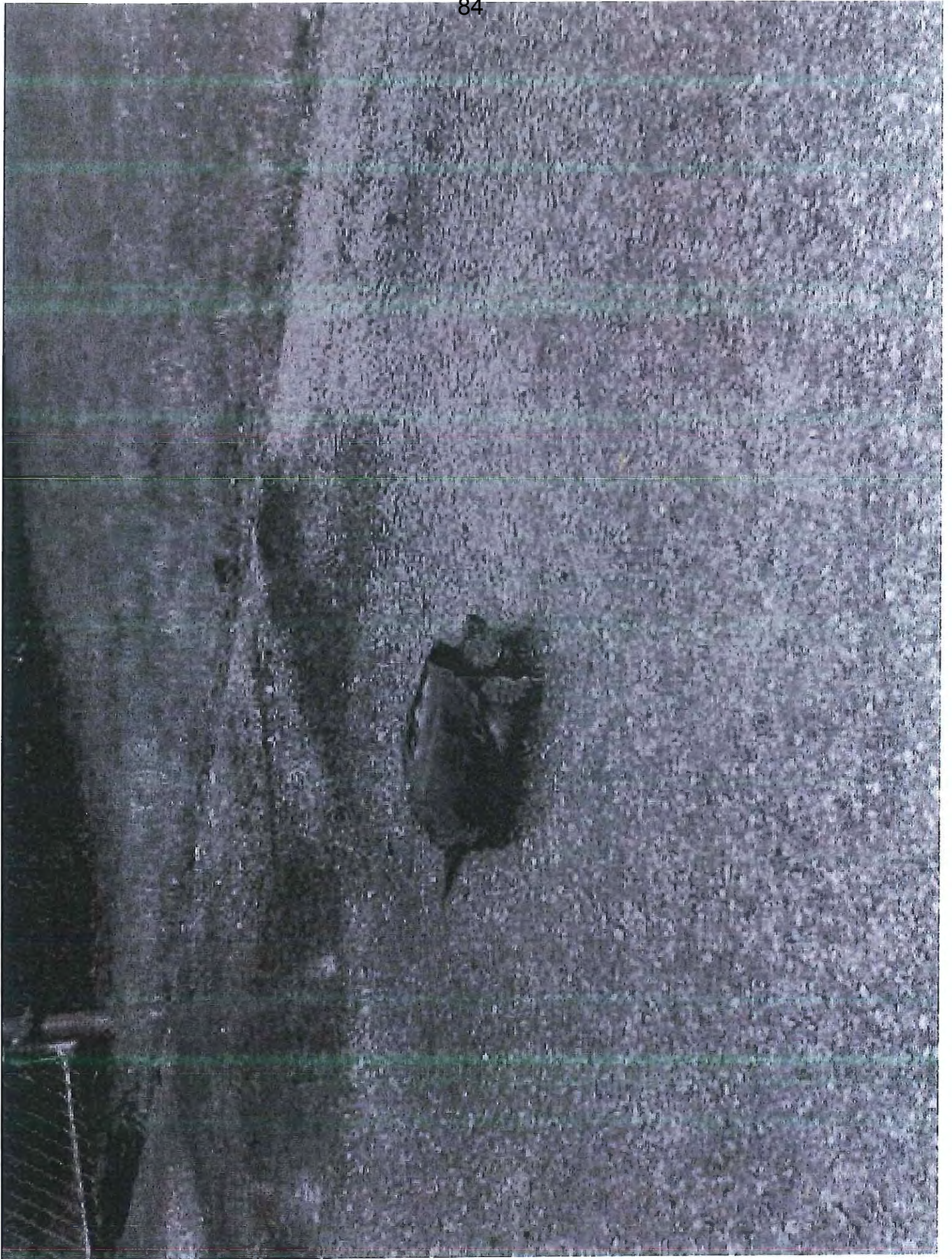
Thank you,

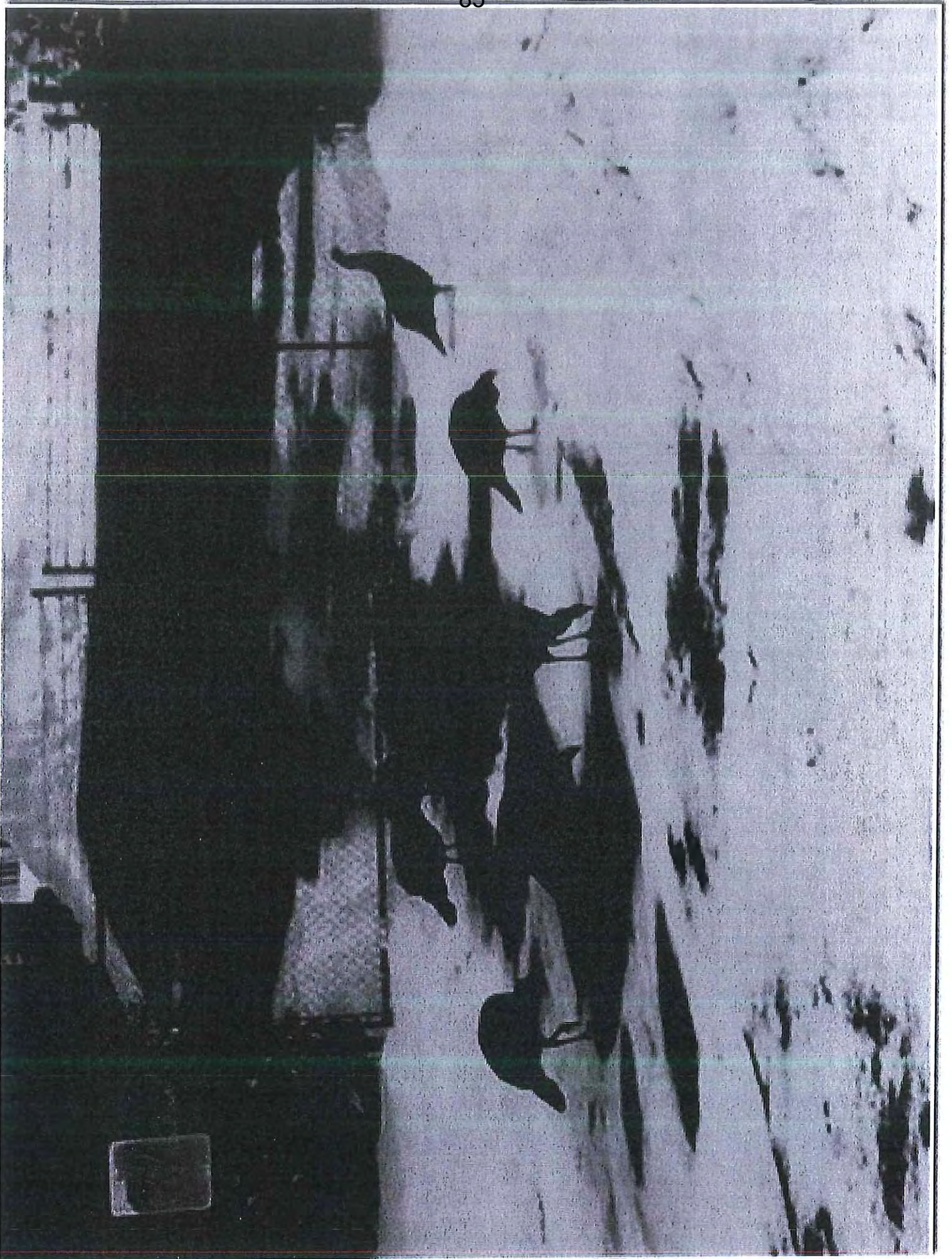
Wayne Lockhart

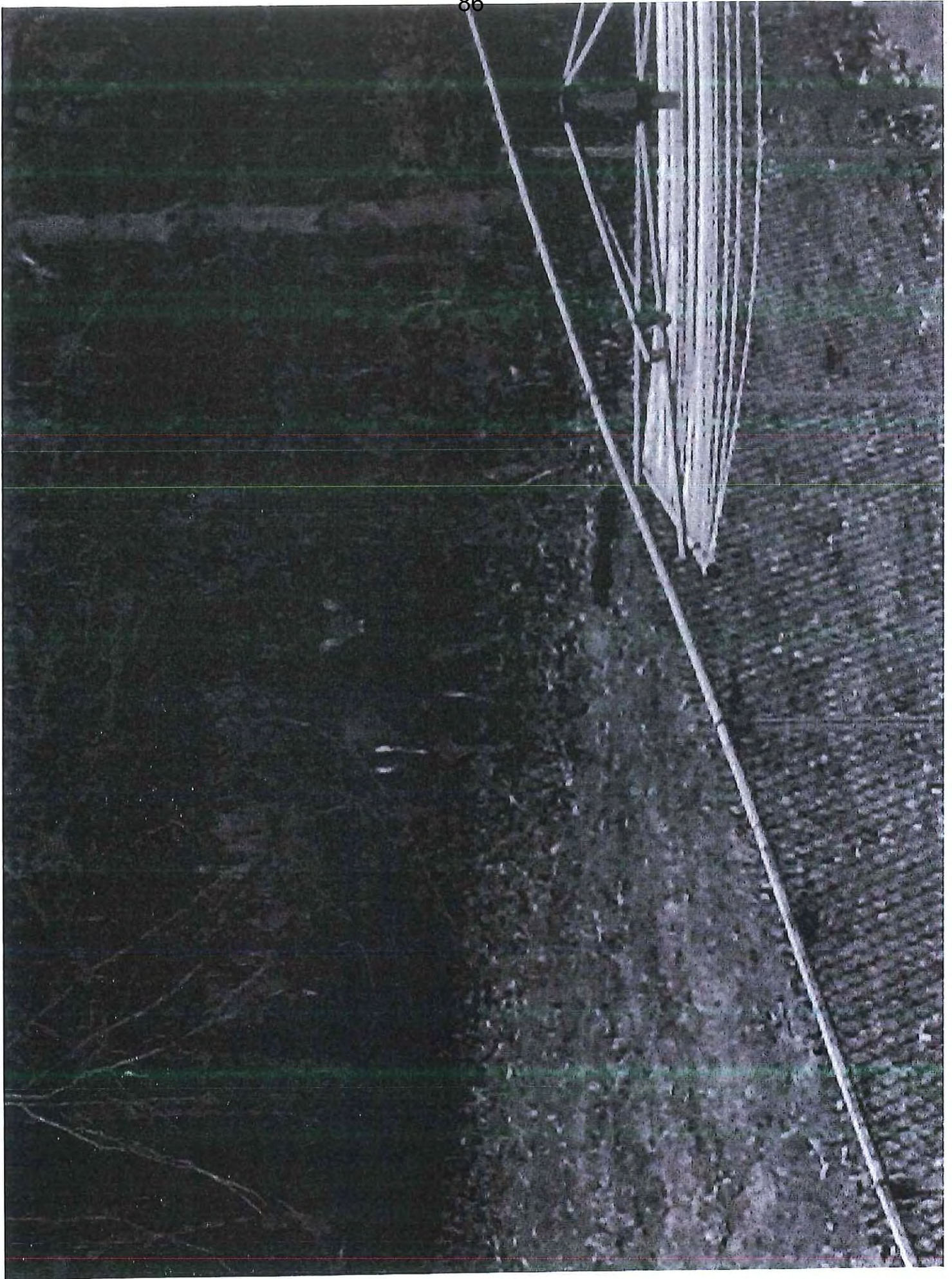
Wayne Lockhart

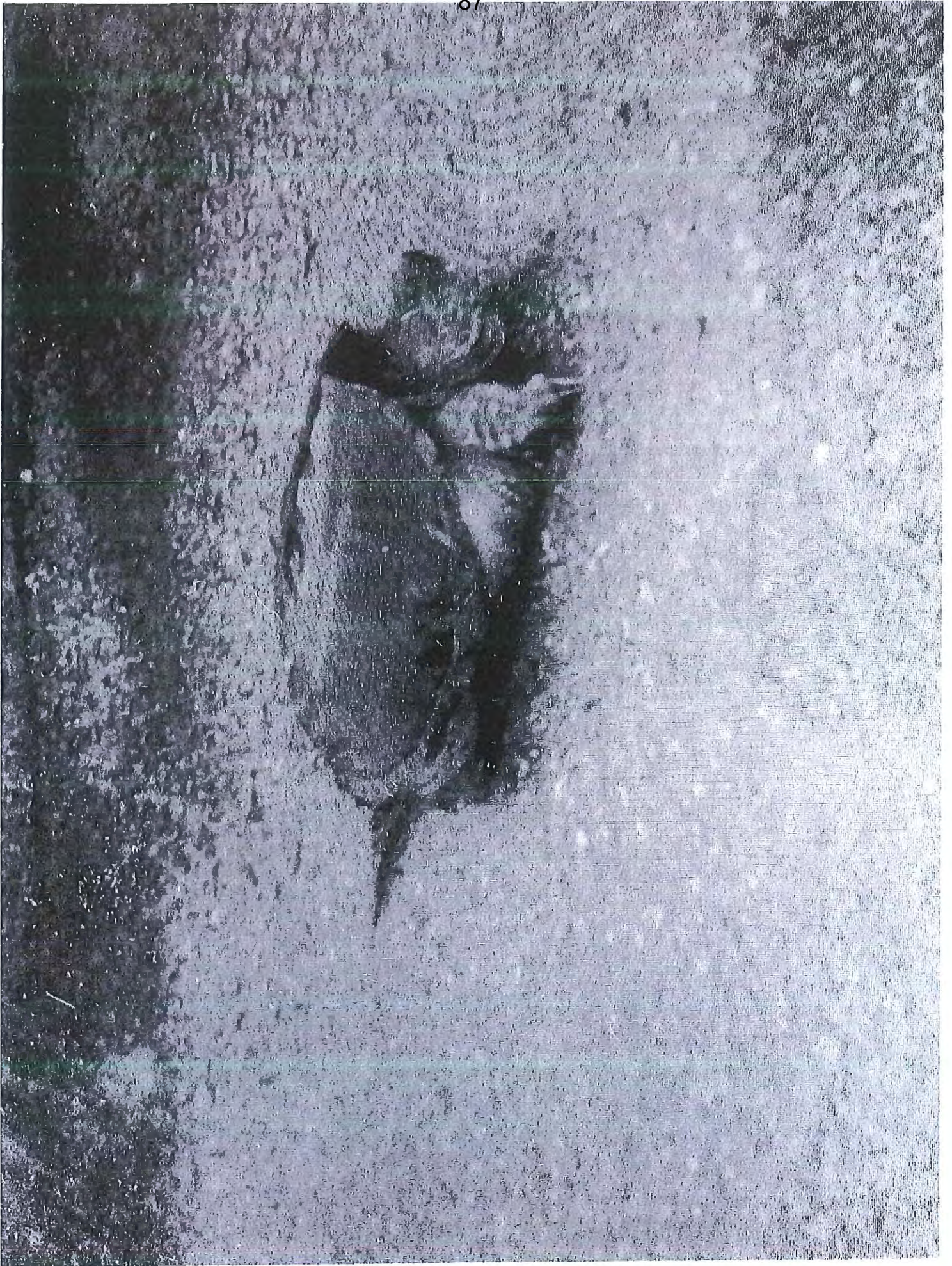
125 Talbot Ave.

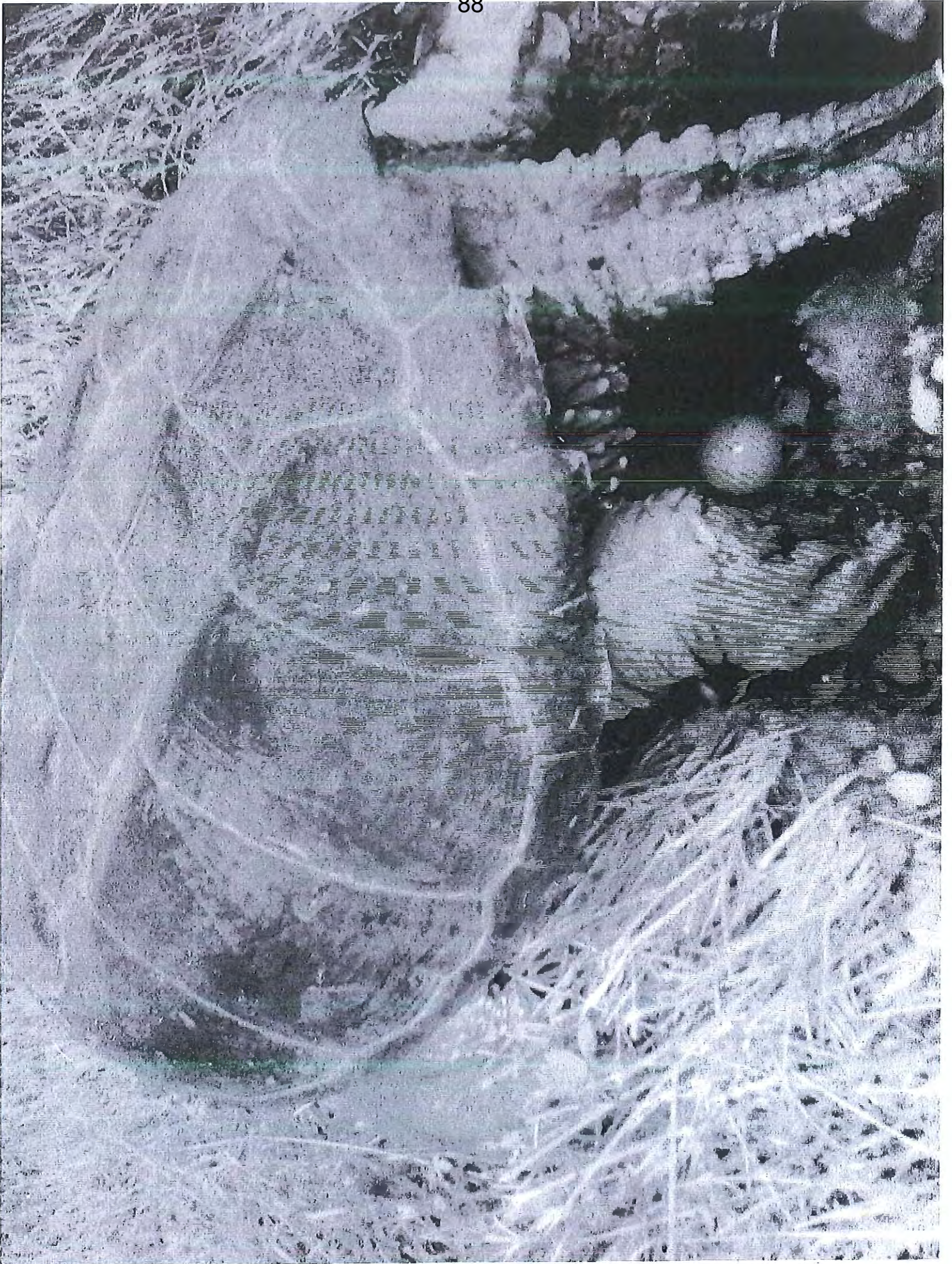
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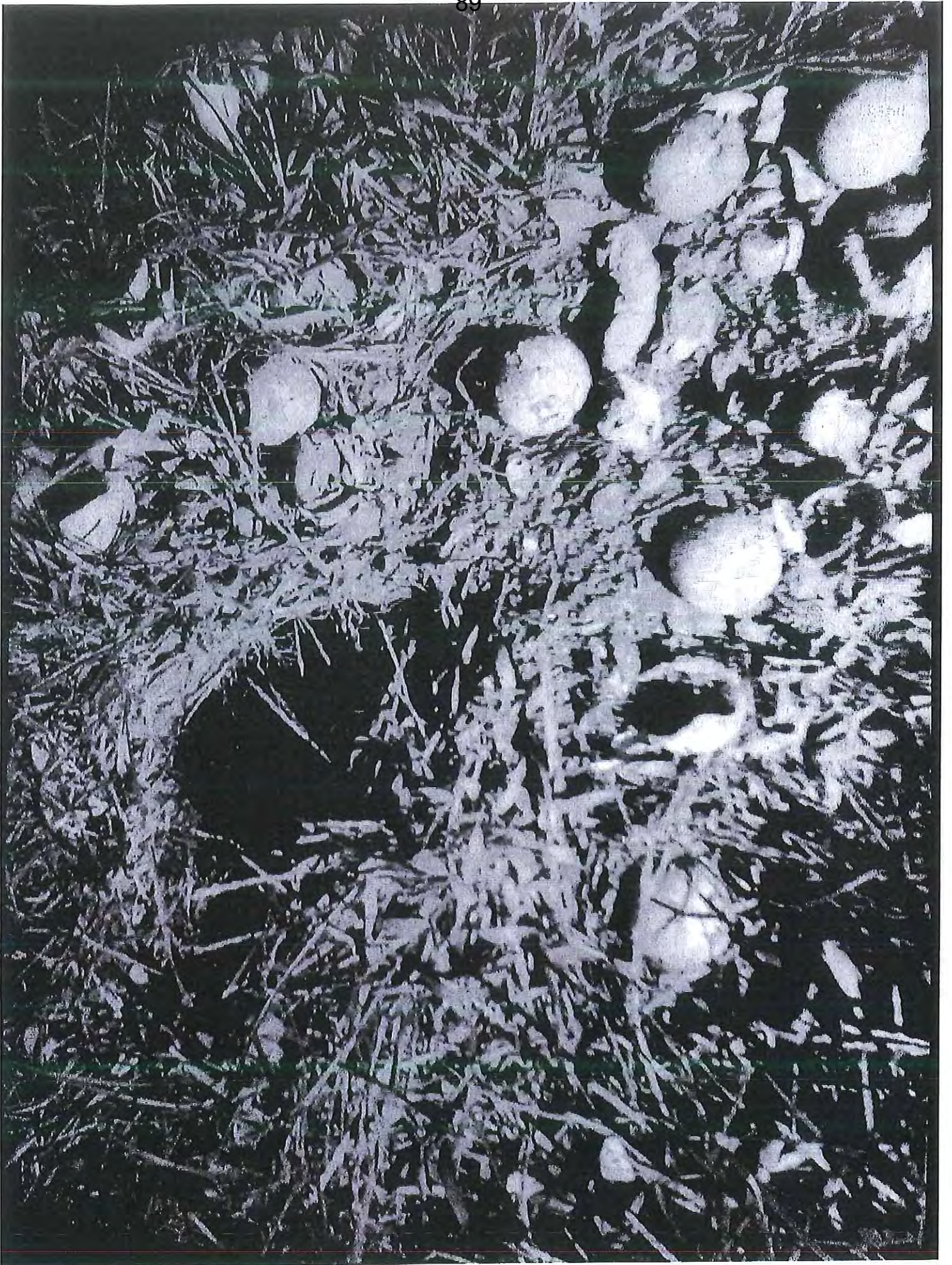


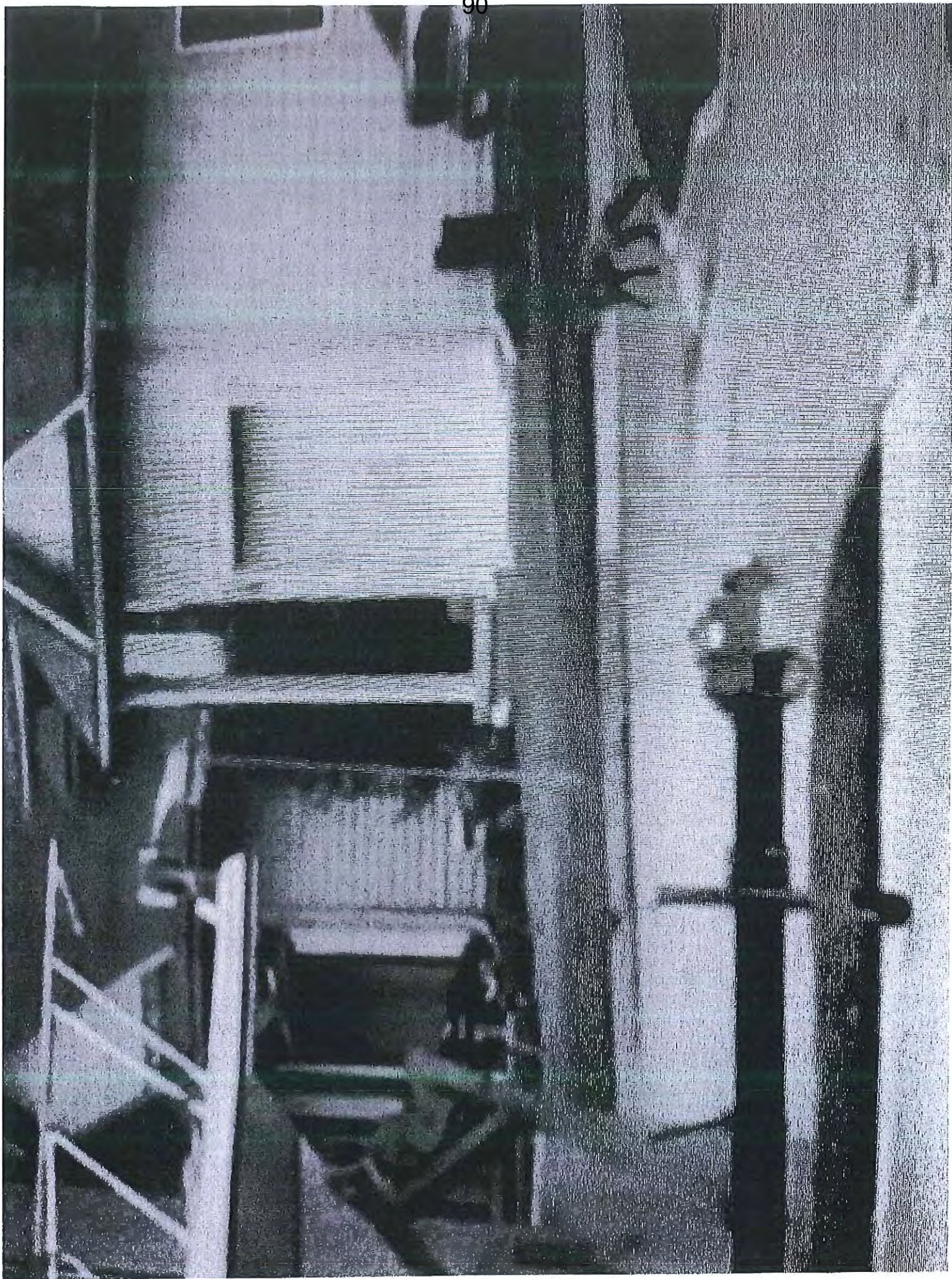


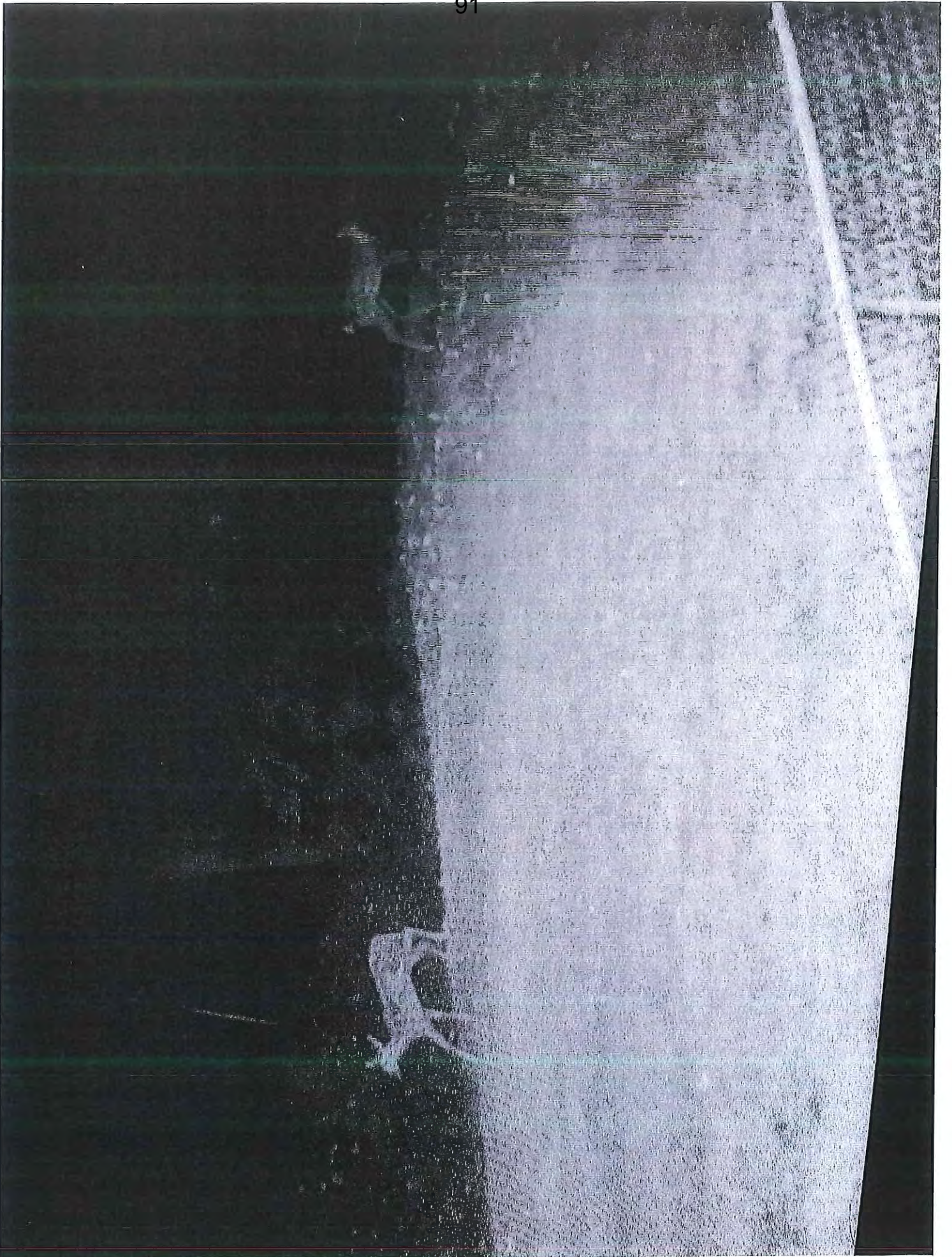














BUDGET REVIEW COMMITTEE MEETING MOTIONS REQUIRING COUNCIL APPROVAL

Monday, November 23, 2020
5:01 p.m.
Council Chambers

Councillor D. McLeod in the Chair

Members in Attendance: Mayor Champion, Councillors J. Chiochio, T. DiMarco, B. Fokkens, B. Green, M. Grimaldi, J. Larouche, A. Moote, C. Richard, G. Speck, L. Spinosa, and L. Van Vliet.

The following is a Summary of Motions and Recommendations from the Budget Review Committee requiring Council approval:

1. BOARD PRESENTATIONS and 2021 PERMISSIVE GRANT REQUESTS

THAT THE BUDGET REVIEW COMMITTEE approves and recommends to Council for final approval, that the City of Welland Heritage Advisory Committee be given a grant in the amount of \$13,235 for 2021.

THAT THE BUDGET REVIEW COMMITTEE approves and recommends to Council for final approval, that Rose City Kids be given a grant in the amount of \$20,000 for 2021.

THAT THE BUDGET REVIEW COMMITTEE approves and recommends to Council for final approval, that The Hope Centre be given a grant in the amount of \$65,000 for 2021.

THAT THE BUDGET REVIEW COMMITTEE approves and recommends to Council for final approval, that Niagara Safety Village be given a grant in the amount of \$6,000 for 2021.

THAT THE BUDGET REVIEW COMMITTEE approves and recommends to Council for final approval that Welland Public Library be given a grant in the amount of \$2,167,475 for 2021.

THAT THE BUDGET REVIEW COMMITTEE approves and recommends to Council for final approval, that the Welland Historical Museum be given a grant in the amount of \$228,716 for 2021.

THAT THE BUDGET REVIEW COMMITTEE approves and recommends to Council for final approval, that Open Arms Mission be given a grant in the amount of \$45,000 for 2021.

As recommended by the Budget Review Committee at its meeting of November 23, 2020.

Date Submitted: December 1, 2020

Submitted by Steve Zorbas, Interim CAO / General Manager, Corporate Services / Chief Financial Officer / Treasurer, on behalf of the Budget Review Committee.

(Signature)

COUNCILINFRASTRUCTURE AND DEVELOPMENT SERVICESENGINEERING DIVISION

APPROVALS	
GENERAL MANAGER	
CFO	
CAO	

20-116

REPORT ENG-2020-36
DECEMBER 1, 2020

SUBJECT: NIAGARA REGIONAL BROADBAND NETWORK LIMITED
EASEMENT REQUEST OVER CITY LANDS THROUGH
THE PARKING LOT OF WELLAND CITY HALL AT 60
EAST MAIN STREET

AUTHOR: MATTHEW MAIN, A.Sc.T., E.I.T.
PROJECT MANAGER

**APPROVING
MANAGER:** SHERRI-MARIE MILLAR, P.ENG.
MANAGER OF ENGINEERING

APPROVING G.M.: TRAVERS FITZPATRICK, GENERAL MANAGER,
INFRASTRUCTURE AND DEVELOPMENT SERVICES

RECOMMENDATIONS:

1. THAT THE COUNCIL OF THE CITY OF WELLAND grants an easement to the benefit of Niagara Regional Broadband Network Limited for high-speed internet servicing, across City-owned land at 60 East Main Street; and further
2. THAT Council directs staff to prepare the necessary By-law and documentation; and further
3. THAT Council authorizes the Mayor and Clerk to execute all documents necessary to grant the easement.

ORIGIN AND BACKGROUND:

Niagara Regional Broadband Network Limited (NRBN) is requesting an easement through the parking lot behind Welland City Hall to service the local business located at 38 East Main Street with high speed internet.

The general alignment of the required easement is shown on the location plan (Appendix I). NRBN is in the process of having the reference plan created.

COMMENTS AND ANALYSIS:

There are no available high-speed internet utilities fronting the business at 38 East Main Street. The requested NRBN easement through the rear lot of City Hall is the most direct and therefore most economical route. The servicing will be installed by trenchless methods under the lot where technically feasible. Where open-cut trenching

cannot be avoided, due to conflicts with other utilities, the asphalt will be restored to existing condition.

FINANCIAL CONSIDERATION:

All cost incurred to create the easement will be charged back to NRBN after the easement is registered.

OTHER DEPARTMENT IMPLICATIONS:

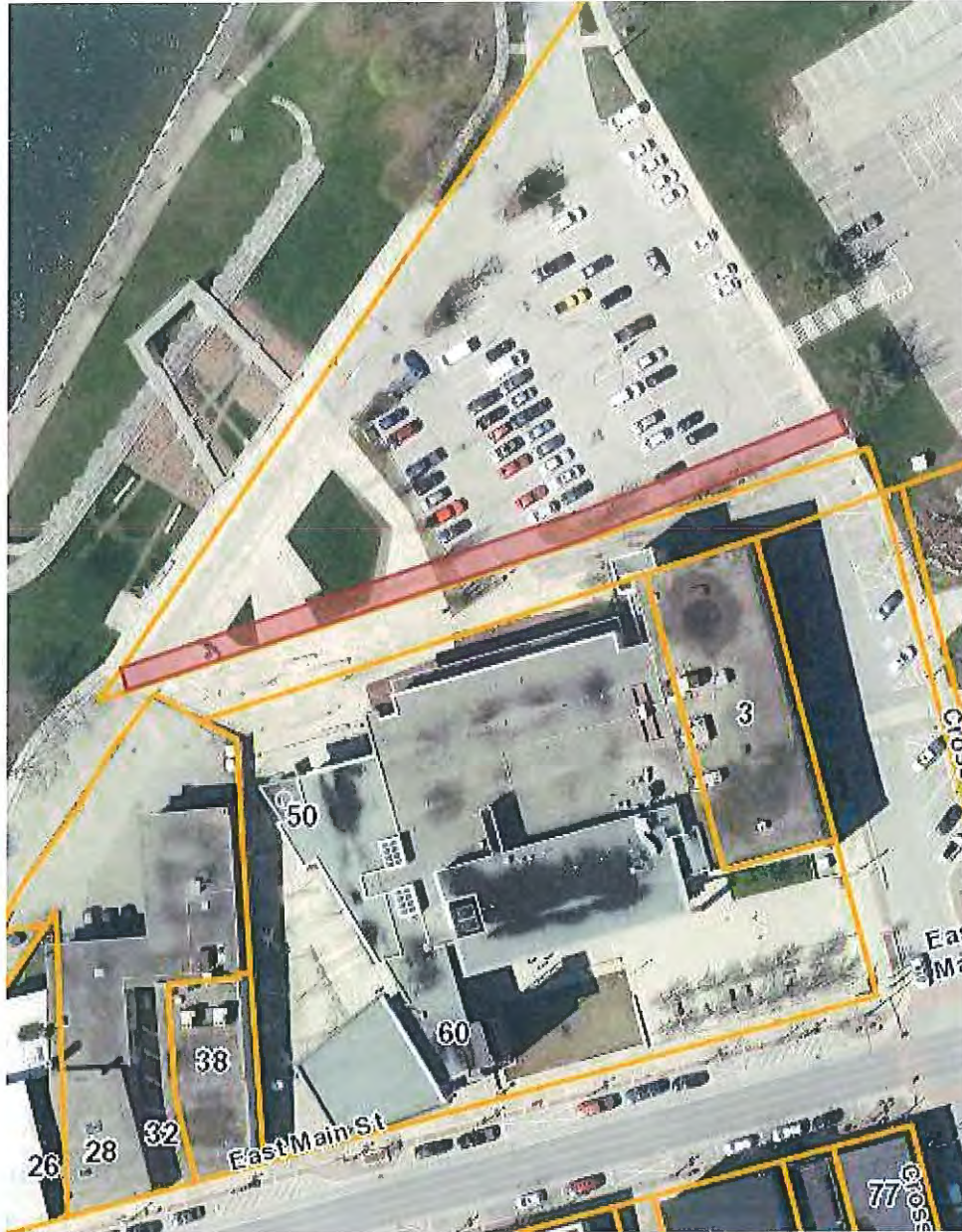
The Legal Division will be involved in the preparation of the required By-law and necessary documentation associated with the creation of the easement should Council approval be received.

SUMMARY AND CONCLUSION:

Based on the foregoing, staff recommend that Council approve the request from Niagara Regional Broadband Network Limited for an easement across City owned lands intended to accommodate high speed internet to service a local business located at 38 East Main Street.

ATTACHMENTS:

Appendix I Location Plan



 Proposed NRBN Easement Location

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COUNCIL
INFRASTRUCTURE AND DEVELOPMENT SERVICES
ENGINEERING DIVISION

APPROVALS	
GENERAL MANAGER	
CFO	
CAO	

REPORT ENG-2020-37
DECEMBER 1, 2020

16-104

SUBJECT: AMENDMENTS TO THE SEWER AND DRAINAGE WORKS BY-LAW 2017 – 18.

AUTHOR AND APPROVING G.M.: TRAVERS FITZPATRICK, GENERAL MANAGER, INFRASTRUCTURE AND DEVELOPMENT SERVICES

RECOMMENDATIONS:

THAT THE COUNCIL OF THE CITY OF WELLAND amend City of Welland By-law 2017- 18 the Sewer and Drainage Works By-law by:

- 1) Increasing the maximum municipal assistance for the installation of an approved Backwater Prevention Device from \$1,000 to a maximum of \$1,500;
- 2) Increasing the maximum municipal assistance to assist Owners with the costs of the following repairs to disconnect Drainage connections from and to reduce Extraneous Flow into the Sewer Works:
 - Removal of roof leaders from the Sanitary Sewer.
 - Removal of existing sump pump connections from the Sanitary Sewer.
 - Repair or replacement of a leaking Building sewers.
 - Removal of Foundation Drain connections from the Sanitary Sewer from \$4,000 to a maximum of \$6,000 for all such corrective works; and
- 3) That on a go forward basis commencing in 2022, the amount of assistance under By-law 2017-18 be adjusted annually by the Non-Residential Construction Price Index.

ORIGIN AND BACKGROUND:

On 7 March 2017 Welland Council adopted By-law 2017-18 being A BY-LAW TO REGULATE MANAGEMENT OF A SYSTEM OF SEWER WORKS AND DRAINAGE WORKS IN THE CITY OF WELLAND known as the Sewer and Drainage Works By-law.

The by-law sets out a range of matters dealing with the management of the City's sewer and drainage systems, including a range of prohibited actions and fines for breaching the by-law provisions.

For Council's information a copy of the By-law is attached to this report.

COMMENTS & ANALYSIS:

The City currently assists homeowners with the costs of installing backflow preventers and disconnecting foundation drains (weeping tile), sump pumps and downspouts from the sanitary sewer system

As a rule of thumb, the City treats 3 cubic metres of wastewater for every 1 cubic metre of water sold. Because of the cost associated with wastewater treatment, it is the opinion of staff that the City should become more aggressive in requiring the disconnection of foundation drains, sump pumps and downspouts from the sanitary sewer system. Further, at the same time the installation of backflow preventers should also be encouraged.

Presently, the City assistance for a backflow preventer is a maximum of \$1,000 while the City assistance for disconnecting foundation drains, downspouts and sump pumps is a maximum of \$4,000. Because staff is proposing an aggressive application of the provisions of Sewer and Drainage Works By-law, By-law 2017-18, it is recommended that the City assistance made available to homeowners be increased to \$1,500 for an approved backflow preventer and to \$6,000 for the disconnection of foundation drains, sump pumps and downspouts.

FINANCIAL CONSIDERATIONS:

Presently there is some \$300,000 in the 2020 Approved Capital Budget which can be utilized for this enhanced program going forward.

OTHER DEPARTMENT IMPLICATIONS:

The SWAP program is administered by the Building Division and the Finance Department will be involved with the payment features of the program.

SUMMARY AND CONCLUSION:

Due to the high cost of sewage treatment it is necessary where possible to reduce or eliminate extraneous flow into the City's sanitary sewer system. In addition, the reduction of extraneous flows also reduces the incidences of sewer backups into residents' homes which homes may not have their foundation drains, sump pumps and rainwater leaders connected to the sanitary sewer system.

Because staff is recommending a more aggressive enforcement of the Sewer Works and Drainage By-law, it is also recommended that an increase in the amount of assistance to achieve the goals of less extraneous flows into the sewer system and fewer sewer backups.

ATTACHMENTS:

By-law 2017-18

THE CORPORATION OF THE CITY OF WELLAND

BY-LAW NUMBER 2017 - 18

A BY-LAW TO REGULATE MANAGEMENT OF A SYSTEM
OF SEWER WORKS AND DRAINAGE WORKS IN THE
CITY OF WELLAND

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THE CORPORATION OF THE CITY OF WELLAND

BY-LAW NUMBER 2017 - 18A BY-LAW TO REGULATE MANAGEMENT OF A SYSTEM
OF SEWER WORKS AND DRAINAGE WORKS IN THE
CITY OF WELLAND

WHEREAS subsection 8(1) of the Act provides that the powers of a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance their municipality's ability to respond to municipal issues;

AND WHEREAS Subsection 11(1) of the *Municipal Act*, 2001, c.25, as amended (the "Act"), provides that a lower-tier municipality and an upper-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public, subject to the rules set out in Subsection 11(4);

AND WHEREAS Subsection 11(3) of the Act, provides that a lower-tier municipality and an upper-tier municipality may pass by-laws, subject to the rules set out in subsection (4) respecting, inter alia, public utilities and drainage and flood control, exclusive of storm Sewers;

AND WHEREAS "public utility" is defined by the Act to include a system that is used to provide water or Sewage services for the public and defines "Sewage" inter alia to include Storm Water and other drainage from land;

AND WHEREAS Item 4, "Public Utilities" in the Table to Subsection 11(4) of the Act, provides that a lower-tier municipality in the Region of Niagara may pass by-laws respecting matters within the sphere of jurisdiction for sanitary Sewage collection;

AND WHEREAS Item 4, "Public Utilities" in the Table under Subsection 11(4) of the Act provides, inter alia, that the collection of Storm Water and other drainage from land is a non-exclusive assignment and therefore both the upper-tier municipality and its lower-tier municipalities have the power to pass by-laws under that sphere;

AND WHEREAS Item 6, in the Table under Subsection 11(4) of the Act, provides that the drainage and flood control sphere of jurisdiction, except for storm Sewers, is a non-exclusive assignment and therefore both upper-tier and lower-tier municipalities have the power to pass by-laws under that sphere;

AND WHEREAS Sections 78 to 93 inclusive of the Act govern the provision of public utilities;

AND WHEREAS Section 96 of the Act provides that despite Section 19, a municipality may for the purpose of preventing damage to Property in the municipality as a result of flooding, exercise its powers under the "drainage and flood control" sphere of jurisdiction in relation to flood control in the municipality, in another municipality or in unorganized territory;

AND WHEREAS Section 97 of the Act provides that a municipality may enter on land, at reasonable times, to inspect the Discharge of any matter into a land Drainage System of any Person and may conduct tests and remove samples for this purpose;

AND WHEREAS Subsection 446(1) of the Act provides that if a municipality has the authority under this or any other Act or under a by-law under this or any other Act to direct or require a Person to do a matter or thing, the municipality may also provide that, in default of it being done by the Person directed or required to do it, the matter or thing shall be done at the Person's expense;

AND WHEREAS Subsection 446(3) of the Act provides that a municipality may recover the Cost of doing a matter or thing under Subsection 446(1) from the Person directed or required to do it by action or by adding the Cost to the tax roll and collecting it in the same manner as property taxes;

AND WHEREAS the Building Code Act, S.O. 1992, Chapter 23, as amended, regulates and controls the location, construction, repair and renewal, or alteration of plumbing and materials to be used in the construction thereof, and further provides for the Inspection of said plumbing works by officers duly appointed by municipal by-law;

AND WHEREAS Section 107 of the Act provides that despite any special provisions in the Municipal Act, or in any other general or special act, relating to the making of grants or granting of aid by the council of a municipality, the council of a municipality may, subject to Section 106 of the Act, 2001 make grants on such terms and conditions, as to security and otherwise, as the Council may consider expedient to any Person, institution, business, association, group or body of any kind for any purpose that in the opinion of the council is in the interests of the municipality;

AND WHEREAS it is deemed necessary for the orderly development and control of the Sewer Works and Drainage Works, that certain regulations governing the construction, management and use, and the operation, maintenance, repair and rehabilitation, of the Sewer Works and Drainage Works be put into force;

NOW THEREFORE the Municipal Council of The Corporation of the City of Welland hereby enacts as follows:

SECTION 1 – DEFINITIONS

The following terminology is used throughout the by-law,

- 1.1 Definitions in the Property Standards By-Law (**as amended**) of the City shall be used with respect to matters pertaining to maintenance of properties, buildings and structures which are undefined in this by-law.
- 1.2 Definitions in the Building Code Act and the Building Code shall be used with respect to matters pertaining to building construction which are undefined in this by-law.
- 1.3 "Agent" is a Person authorized by the Corporation to provide services on behalf of the Corporation; or a Person authorized by an Owner to provide services on behalf of the Owner, as applicable.
- 1.4 "Appurtenance" means the apparatus or equipment that is an accessory to the Sewer Works system or to the Drainage Works system, including Municipal Sewer Laterals and their components, or an accessory to Private Laterals, or to Private Sewage Collection Systems, or to a Private Drainage System or Stormwater Management system.
- 1.5 "Backflow" means flow reversal from the intended normal direction of flow.
- 1.6 "Backwater Prevention Device" means a valve or other apparatus, which allows flow in one direction, but prevents flow in the opposite or return direction.
- 1.7 "Blank" or "Blanking" means the temporary or permanent decommissioning of a pipe by means of plugging, capping, or other method approved by the Engineer.
- 1.8 "Building" means,
 - (a) a structure occupying an area greater than ten square metres consisting of a wall, roof and floor or any of them or a structural system serving the function thereof including all plumbing, works, fixtures and service systems appurtenant thereto,
 - (b) a structure occupying an area of ten square metres or less that contains plumbing, including the plumbing appurtenant thereto,
 - (c) plumbing not located in a structure,
 - (c.1) a Sewage system, or
 - (d) structures designated in the Building Code;
- 1.9 "Building Drain" means the horizontal piping, including any vertical offset that conducts Sewage to a Building Sewer.

- 1.10 "Building Sewage Drainage System" means an assembly of pipes, fittings, fixtures and appurtenances on a Property that is used to convey Sewage and clear water waste to the Sewer Works.
- 1.11 "Building Sewer" means that part of a Building Sewage Drainage System outside a Building that commences at a point one (1.0) metre from the outer face of the wall of the Building and which connects the Building Sewage Drainage System to a Municipal Sewer Lateral or to an approved place of Sewage Discharge and disposal.
- 1.12 "Catch Basin" or "Catchbasin" means a receptacle installed to collect surface water from an open area, for Drainage into the Drainage Works, and to trap solids by means of a sump within the Catch Basin.
- 1.13 "Chief Building Official" means a Chief Building Official and such inspectors as are appointed by the Corporation necessary for the enforcement of The Building Code Act and any other statutes referred to in this By-law, and all Persons authorized at the direction of the Chief Building Official for the purposes of exercising the power and duties of the Chief Building Official under this By-law.
- 1.14 "Chief Financial Officer" or "Treasurer" means the Chief Financial Officer for the Corporation or any Person or Persons appointed, or designated by the Corporation from time to time for the purposes of exercising the powers or duties of the Chief Financial Officer under this By-law.
- 1.15 "Combined Sewer" means a Sewer intended to function simultaneously as a Sanitary Sewer and a Storm Sewer.
- 1.16 "Connect" means to install a Sewer Service Connection or a Drainage Service Connection, including laterals and lateral Appurtenances.
- 1.17 "Consumer" means the occupant of the Property supplied with municipal Sewer collection services or municipal Storm Water Drainage services under the jurisdiction of the Corporation.
- 1.18 "Corporation" means The Corporation of the City of Welland.
- 1.19 "Corporation Standards" or "Standards of the Corporation" means all applicable design manuals, technical standards, drawings, specifications and guidelines of the Infrastructure and Development Services adopted by the Corporation, from time to time, governing the construction, administration, operation, maintenance, repair, replacement and/or rehabilitation of the Water Works, Sewer Works and Drainage Works.
- 1.20 "Cost" means the expenses and Costs of work done, on and for, the Sewer Works or Drainage Works, and in the making, inspecting, maintaining, repairing or replacing of a Service Connection, including, but not limited to:
- a) Permits and approvals,
 - b) Design,
 - c) Materials,
 - d) Labour,
 - e) Restoring any Property disturbed or damaged,
 - f) Supervision and Inspection of any work,
 - g) Studies, evaluations, investigations.
- This also includes the amount of fees and expenses charged by the Corporation to the Owner when the Corporation makes a Service Connection at the expense of the Owner.
- 1.21 "Council" means the Municipal Council of the Corporation of the City of Welland.
- 1.22 "Customer" means any person, owner, firm, business, corporation, institute or identity that enters into a verbal or written contract or agreement with the Corporation to receive Sanitary Sewer collection services, or Storm Water collection services.
- 1.23 "Discharge" means to release or emit Sewage or other waste liquid, or Storm Water or Drainage water.

- 1.24 "Ditch" or "Drainage Ditch" means a constructed open channel designed to convey Storm Water or Drainage Water from time to time; and where constructed as part of a roadway, designed to drain the road sub-base.
- 1.25 "Drain" means a Ditch, swale, channel, water course, pipe, and/or Storm Sewer that collects and carries storm, ground, surface or subsurface water or any of them, or part thereof, either continuously or intermittently, and including Appurtenances such as manholes, Catch Basins, culverts, and Interceptors.
- 1.26 "Drainage" or "Drainage System" means a natural or constructed means of intercepting, collecting and removing Storm Water or surface or subsurface Drainage Water, usually by gravity flow.
- 1.27 "Drainage Water" means water originating from rain, storm or ground sources or from the melting of snow or ice that is drawn off or away from a Building and the lands on which the Building is built to the Drainage Works or to an approved Outlet.
- 1.28 "Drainage Works" means any and all Storm Sewers, buildings, structures, equipment, Appurtenances, devices, conduits, underground pipelines, Municipal Drainage Laterals, Ditches, Watercourses, and Municipal Drains and Outlets created under the Drainage Act, and related installations and other works of the Corporation, designed for the collection and transmission of Storm Water or Drainage Water; and includes lands over which an easement or consent has been granted or lands appropriated for such purposes and use.
- 1.29 "Engineer" means the General Manager of Infrastructure and Development Services/City Engineer, or the Person or Persons appointed or designated by the Corporation from time to time for the purposes of exercising the powers or duties of the Engineer under this By-law; or the Engineer's duly authorized representative, or as the situation or context may require, all Persons authorized at the direction of the Engineer to exercise the powers and duties of the Engineer under this By-law.
- 1.30 "Extraneous Flow" or "Inflow and Infiltration" means the undesirable infiltration of groundwater and/or the undesirable, uncontrolled inflow of Drainage or Storm Water into a Sanitary Sewer Service Connection or into a private Sewer Collection System, or into the Sewer Works.
- 1.31 "Foundation Drain" means Drainage piping installed below the surface of the ground to collect and convey water away from a Building foundation.
- 1.32 "Infrastructure Studies" means any strategic plan governing the management and development of the Sewer Works or Drainage Works approved by and as amended by Council from time to time.
- 1.33 "Inspection" or "Compliance Inspection" means any physical or visual audit or examination, survey, sampling and testing, test or inquiry.
- 1.34 "Interceptor" means a receptacle installed to collect and prevent oil, grease, petroleum products, grit, sand and/or other materials from passing into the Sewer Works or Drainage Works.
- 1.35 "Leachate" means water contaminated by dissolved or suspended materials as a result of percolation through contaminated ground, soil and/or solid waste or industrial waste.
- 1.36 "Main" means any pipe collecting and transmitting Sewage as part of the Sewer Works or Drainage or Storm Water as part of the Drainage Works, under the jurisdiction of the Corporation and/or the Regional Municipality of Niagara, and includes all Appurtenances exclusive of Service Connections.
- 1.37 "Maintenance Hole" means a junction chamber for Mains and for Service Connections of the Sewer Works or Drainage Works or of a Private Sewage Collection System or Private Drainage System, designed to permit access for Inspection and maintenance purposes, and for the taking of Sewage or Storm Water or Drainage Water samples.
- 1.38 "Multiple Dwelling" means a building having three (3) or more residential dwelling units.

- 1.39 "Municipal Drain" means a constructed Watercourse created by by-law of the Corporation under the Drainage Act, R.S.O. 1990 for the purposes of Drainage of lands designated by the establishing by-law.
- 1.40 "Municipal Drainage Lateral" means the pipes and Appurtenances of the Drainage Works located within the Right-of-Way and situated between the Main and the Property line, providing the connection of a Building sewer to the Drainage Works.
- 1.41 "Municipal Sewer Lateral" means the pipes and Appurtenances of the Sewer Works located within the Right-of-Way and situated between the Main and the Property line;
- 1.42 "Non-potable water" means water that does not meet Health Canada's Guidelines for Canadian Drinking Water Quality. Non-potable water is not destined for human consumption.
- 1.43 "Non-potable water system" means an assembly of pipes, fittings, valves and appurtenances that collects and distributes non-potable water. A non-potable water system can include storage tanks, pressurization equipment and treatment systems.
- 1.44 "Operator" means a Person or Persons who is the manager and/or administrator or Agent responsible for use, activity or process within a building or facility or Property serviced by the Sewer Works or Drainage Works.
- 1.45 "Outlet" or "Drainage Outlet" means a location at which Storm Water or Drainage Water is Discharged into a Storm Water Management System, Watercourse or natural stream or lake.
- 1.46 "Owner" means the person for the time being managing or receiving the rent of the land or Property in connection with which the word is used whether on the Person's own account or as Agent or trustee of any other Person or who would so receive the rent if such land and Property were let, and shall also include a lessee or occupant of the Property who, under the terms of a lease, is required to repair and maintain the Property in accordance with the standards for the maintenance and occupancy of Property.
- 1.47 "Person" means any individual, firm, corporation, association or partnership.
- 1.48 "Property" means a building or structure or part of a building or structure, and includes the lands and premises appurtenant thereto and all mobile homes, mobile buildings, mobile structures, outbuildings, fences and erections thereon whether heretofore or hereafter erected, and includes vacant Property abutting on a Right-of-Way within which a Main or Ditch or Drain is constructed.
- 1.49 "Private Drain" means a Drain located on private Property; a Drain, which is privately owned.
- 1.50 "Private Lateral" means a Building sewer or a Private Drainage Lateral.
- 1.51 "Private Drainage Lateral" means the Drainage pipes and Appurtenances providing a connection to the Drainage Works located between the Property line and one (1.0) metre from the outer face of the Building foundation, or between the Property line and a Private Drainage System.
- 1.52 "Private Drainage System" means a privately owned network of Storm or Drainage Water, Ditches, swales, collection pipes, Maintenance Holes, Interceptors and Catch Basins and Appurtenances, discharging to the Drainage Works or other approved Outlet.
- 1.53 "Private Sewage Collection System" means a privately owned network of Sewage collection pipes, Maintenance Holes, Interceptors and Appurtenances, servicing two or more Buildings, discharging to the Sewer Works.
- 1.54 "Rates" means those Rates, levies, rents or charges for the supply and/or use of municipal water or Sewers so described and itemized in by-laws enacted by the Corporation from time to time.

- 1.55 "Right-of-Way" means lands acquired for or devoted to a public highway, lane or easement in which a Main is located.
- 1.56 "Sanitary Sewer" means a system of pipes, Mains and Appurtenances of the Sewer Works for the collection and transmission of Sewage; and into which Storm Water, Drainage Water and ground water are not intentionally Discharged or admitted.
- 1.57 "Service Connection" means a Municipal Service Lateral and the connected Private Service Lateral and required Appurtenances forming a Discharge connection to either the Sewer Works or the Drainage Works.
- 1.58 "Sewage" or "Wastewater" means any one of or a combination of domestic sanitary Sewage and/or water borne waste, and/or non-domestic sanitary Sewage and/or water borne waste, Discharged from residences, businesses, recreational facilities, institutions or industry.
- 1.59 "Sewer" means a Sanitary Sewer or pipe or Main of the Sewer Works; or a Combined Sewer or pipe or Main of the Sewer Works; or a Storm Sewer or a pipe or Main of the Drainage Works.
- 1.60 "Sewer Service Connection" means the Municipal Sewer Lateral and the connected Building Sewer, or a pipe connection from a Private Sewage Collection System to the Sewer Works.
- 1.61 "Sewer Works" means any and all Buildings, structures, equipment, Appurtenances, devices, conduits, underground pipelines, Municipal Sewer Laterals, Outlets, and related installations and other works of the Corporation, designed for the collection and transmission of Sewage and includes lands over which an easement or consent has been granted or lands appropriated for such purposes and use.
- 1.62 "Storm Sewer" means a Storm Water and/or Drainage water collection and transmittal Main, pipe, Ditch and/or Watercourse or combination thereof, including Appurtenances, forming part of the Drainage Works.
- 1.63 "Storm Water" or "Stormwater" means surface or ground water from rainfall or snowfall or other natural precipitation or from the melting of snow or ice; naturally occurring water collected and carried in the Drainage Works.
- 1.64 "Storm Water Leader" or "Downspout" means a pipe or system of pipes inside or outside a Building that conveys Storm Water from a roof of a Building or structure to an approved place of Discharge.
- 1.65 "Storm Water Management" means Drainage control practices and constructed works implemented to protect Property and natural or constructed Watercourses and receiving waters from Storm Water impacts.
- 1.66 "Watercourse" means an open channel, swale or Ditch constructed as or resulting from the construction of a work in which a flow of Storm Water or Drainage Water occurs either continuously or intermittently, including roadway Ditches, and including naturally occurring depressions, channels or streams Draining into any such open channels, swales or Ditches, whether forming part of or connected to the Corporation's Drainage Works or forming part of a Private Drainage or Stormwater Management System; and including Appurtenances.
- 1.67 "Water Service Connection" means the pipes conveying potable water to a Building or Property from the Water Works or a private source of water.
- 1.68 "Water Works" means any and all buildings, structures, equipment, Appurtenances, devices, conduits, underground pipelines, municipal water laterals, outlets, and related installation in other works so designed for the distribution of water and includes lands over which an easement or consent has been granted or lands appropriated for such purpose and uses

SECTION 2 – SCOPE

- 2.1 This By-law applies to the construction, management and use, and to the operation, maintenance, repair and rehabilitation of the Sewer Works and Drainage Works under the jurisdiction of the Corporation.
- 2.2 Sanitary Sewer service areas and Storm Sewer service areas covered under this by-law are as identified in the Corporation's Official Plan and supporting Infrastructure Studies, and area specific servicing plans, as approved by Council through by-law adoption from time to time.
- 2.3 The Corporation shall manage and maintain the Sewer Works and the Drainage Works in accordance with the provisions of this By-law and the provisions of the Municipal Act, the Ontario Water Resources Act, the Drainage Act, the Federal Fisheries Act, the Ontario Building Code and regulations, standards and guidelines established under these Acts from time to time and any other applicable law or regulations.

SECTION 3 – ADMINISTRATION**3.1 Administrative Responsibilities**

- 3.1.1 The Engineer has overall responsibility for the enforcement of this By-law and for administration, operation, maintenance, repair and rehabilitation of the Sewer Works and Drainage Works in accordance with this By-law and all other applicable legislation.
- 3.1.2 The Chief Building Official is responsible for the enforcement of the Ontario Building Code and the issuance of any plumbing permits or orders related to the construction, maintenance, operation, repair and renovation of any part of the buildings and facilities served by Sewer Works, Drainage Works and Water Works; and for the inspection of work done under plumbing permits or orders.
- 3.1.3 The following principles shall apply to managing and operating the Sewer Works and the Drainage Works:
- a) Although best efforts will be made to provide adequate services, the Corporation does not guarantee the collection of Sewage or Drainage water and failure to provide Sewage or Drainage Water collection services shall not be construed as neglect on the part of the Corporation. The Corporation shall at no time be held liable for the inadequacies of such services or for restricting the provision of such services, or for refusing to provide such services.
 - b) Through the effective management of the Sewer Works and the Drainage Works, the Corporation will endeavor to ensure the health and safety of the public, to protect property from damage, to provide pollution prevention and control, and to protect the environment.
 - c) This By-law shall govern and regulate the management and operation of the Sewer Works and the Drainage Works and connections thereto and shall be considered to form an integral part of the service contract between the Corporation and any Owner, Operator or Customer for the provision of such Sewage collection services or Drainage services. Every Owner, Operator or Customer, by applying for and accepting the provision of services from the Corporation, shall be deemed to have expressed his/her consent to be bound by the provisions of this By-law.
- 3.1.4 The Engineer in consultation with the Chief Building Official and staff of the Infrastructure Services and Development Services Department shall establish and periodically update standards, guidelines, and specifications governing the design, construction, operation, maintenance, repair and rehabilitation of the Sewer Works and Drainage Works.

3.2 General Requirements

- 3.2.1 All necessary Drainage piping, Drains, Catch Basins, Interceptors and connections to the Drainage Works shall, at the discretion of the Engineer, be provided to accommodate Storm Drainage from roof and ancillary hard surfaced areas (parking, storage areas, roadways, etc.) from all multiple residential, industrial, recreational, commercial and institutional Property.

3.2.2 Connection to the Sewer Works or to the Drainage Works shall only be permitted where in the opinion of the Engineer there is sufficient capacity to handle the predicted peak flow resulting from the connection in view of the City's hydraulic level of service, Sewer Works and Drainage Works hydraulic models and current Ontario Ministry of the Environment and Climate Change design standards.

3.3 Responsibility of Owner

3.3.1 The entire Cost of providing, installing, operating, maintaining, repairing, replacing, relocating or renewing any Building Sewer or Private Sewer Collection System, and any Private Drainage Lateral or Private Drainage or Storm Water Management System, and Appurtenances connected shall be the responsibility of and paid for by the Owner.

3.3.2 Every Owner shall maintain their Building Sewer or Private Sewage Collection System and Private Drainage Lateral or Private Drainage or Storm Water Management Systems, including Appurtenances connected thereto, in good working order and condition.

3.3.3 All Maintenance Holes, Interceptors, Catch Basins, devices or Appurtenances on private Property required under this By-law shall be maintained by and at the expense of the Owner or Operator in a continuously efficient and safe operating condition at all times.

3.3.4 Where the Owner or Operator of a Multiple Residential Dwelling, commercial, recreational, institutional or industrial Property fails to install or maintain any Maintenance Hole, Interceptor, Catch Basin, or alternative device required under this By-law, such installation or maintenance may be done by the Corporation, at the direction of the Engineer, at the expense of the Owner or Operator; and if not paid the Costs incurred may be added to the tax roll for the Property and collected in like manner and with the same priority as municipal taxes.

3.3.5 Once a Sewer Service Connection or a Drainage Service Connection has been installed and put into service, such connection shall not be disconnected from the Sewer Works or Drainage Works without the prior written approval of the Engineer.

3.3.6 Every Owner and Operator shall, at all reasonable times and upon reasonable notice provided by the Corporation, allow and provide access to building or Property to the Engineer, Chief Building Official or any other person duly authorized by the Corporation for the purposes of inspecting, maintaining, repairing, disconnecting or reinstalling a sewer connection or a Drainage service connection or for taking corrective action, and/or carrying out work required by this By-law.

3.3.7 Every Owner shall be responsible for advising the Corporation, to the attention of the Engineer, of any change in the Sewer Service Connection or Drainage service connection application information including changes to the Owner's address and telephone number and selected method of account payment.

3.3.8 Only an Owner may request the disconnection of a Sewer Service Connection or Drainage service connection. Such request shall be made in writing to the attention of the Engineer in a form specified by the Corporation.

3.3.9 Where:

(a) a leak occurs from a building sewer, private sewage collection system, Sewage holding tank, septic tank or any other private Sewage treatment system, the Owner shall take corrective action to repair the leak, at the Owner's expense;

(b) after seven (7) days' notice by the Corporation requiring the leak to be repaired, the Owner fails to comply with the requirements to repair the leak, the Corporation may repair the leak, at the Owner's Cost, and if not paid, the Cost may be added to the tax roll for the Property and collected in the same manner as Property taxes.

3.3.10 Every Owner shall indemnify the Corporation for any loss or damage to the Corporation or to any person that may occur in or as a result of work carried out or actions by the Owner or an Agent of the Owner as required under this By-law.

3.4 Design and Construction

- 3.4.1 New Combined Sewers are prohibited.
- 3.4.2 The design, installation, maintenance and field testing of Non-potable water system Systems shall be in compliance with CSA Standard CSA B128.1-06.
- 3.4.3 Before issuing a building permit, or before approval of the construction of a Drain or modifications to a Drain, or before approval of a connection to a Drain or in anticipation of possible adverse consequences from potential future flooding of the subject or surrounding lands, or potential adverse Drainage Water quality, the Corporation may require, at the request of the Engineer, the Owner to complete one or more of the following:
- a) a study on Storm Water quality and/or quantity;
 - b) modification and/or construction of Storm Water facilities;
 - c) adoption and implementation of pollution prevention techniques and measures;
 - d) adoption of a Storm Water Management plan; or
 - e) any other requirement as specified by the Engineer or Council.
- 3.4.4 No extension of an existing Sewer shall be made unless the annual revenue to be derived from Consumers benefiting from such an extension is at least ten percent (10%) of the total installation Cost of such extension, unless funded under development charges or local improvement provisions, or unless it is in the best interests of the Corporation as determined by Council to make such extension.
- 3.4.5 Notwithstanding Subsection 3.4.4, on the recommendation of the Engineer, Council may consider an application for extension of an existing Sewer by any Owner wishing to have any Property served by the Sewer Works or Drainage Works, provided:
- a) Such Owner agrees to pay all associated Costs of extending a Sanitary Sewer or a Storm Sewer so that it abuts the frontage or flankage of the Property to be served. Where Building development is expected to continue along a Right-of-Way, the extension of the Sanitary Sewer or Storm Sewer shall be across the entire frontage or flankage of the said Property;
 - b) Such Property is located within the serviced area boundaries as defined by the Corporation's Official Plan;
 - c) Any and all relevant governmental approvals are sought and obtained at the expense of such Owner; and without restricting the generality of the foregoing, including the Ontario Ministry of the Environment and Climate Change approval pursuant to the provisions of the Ontario Water Resources Act;
 - d) The Owner makes application for the Service Connection or connections; and for Sewer Service Connections, obtains a plumbing permit from the Corporation; and
 - e) The Owner provides the actual cash, or adequate security in substitution therefore as approved by the Chief Financial Officer, for the entire Cost of extending the Sewer Works and/or Drainage Works; and such cash or other security to be deposited with the Corporation prior to any such work being effected by the Corporation or by the Owner as approved by the Corporation.
- 3.4.6 Owners, builders or contractors requiring Sewage collection and/or Drainage services for construction purposes shall make an application to the Corporation as specified in the Standards and shall furnish all information so required and shall pay to the Corporation the fee prescribed by Council.
- 3.4.7 Owners, builders and contractors shall only be permitted to Discharge Sewage to the Sewer Works, and Storm or Drainage Water to the Drainage Works, at connection locations and in a manner specified by the Engineer, and as may be altered from time to time by the Engineer.

- 3.4.8 Any Storm Water or surface water or groundwater collected within any excavation, or in any completed or partially completed basement, shall be drained to a Storm Water Drainage System, Storm Sewer or roadside Ditch, by pumping if gravity Drainage is not possible.
- 3.4.9 The termination of Service Connection or connections to Private Sewage Collection Systems or Private Drainage Systems shall be capped or plugged to the satisfaction of the Chief Building Official until connection to the Sewer Works or Drainage Works is approved by the Engineer.
- 3.4.10 Where the Corporation has caused a Service Connection believed to be defective to be Blanked, due to a defective Sewer service, the Service Connection shall not be restored until the Engineer or Chief Building Official has been satisfied that no such defect exists, or that any defect therein has been properly rectified in accordance with Corporation Standards and the requirements established under this By-law.
- 3.4.11 Any Owner requiring the discontinuation of a Service Connection for the purpose of demolition, or for other reasons, shall excavate, cap/plug, backfill and reinstate the excavation so that the Service Connection may be properly Blanked and Inspected by the Corporation.
- 3.4.12 Where a Building has been demolished and the Property Owner proposes to utilize the existing Service Connection or connections to serve a new Building, the Owner must first obtain the written approval of the Engineer to do so. Where in the opinion of the engineer, the Service Connection is in unacceptable condition, it shall be replaced or rehabilitated at the owner's expense. All Service Connections are to be inspected and certified by staff trained through a Lateral Assessment and Certification Program (LACP) prior to being returned to service.
- 3.4.13 A disconnected or Blanked Service Connection shall not be reconnected or reinstated without reapplication for the Service Connection in accordance with the Standards of the Corporation and payment of the applicable fees prescribed by the Council in the Fees and Charges By-law 2015-138 as amended .
- 3.4.14 The maintenance and field testing of Non-potable water system systems shall be in compliance with CSA Standard CSA B128.2-06.

SECTION 4 – SANITARY SEWER REGULATIONS

4.1 Connections

- 4.1.1 Every Building within a serviced area as defined by the Official Plan as amended, fronting or flanking on a Sanitary Sewer of the Sewer Works, shall be connected to the Sewer Works; and Sewer service Rates and fees prescribed by Council, in the Fees and Charges By-law 2015-138 as amended, shall apply, despite the Building being serviced by a separate private Sewer system, unless otherwise approved by the Chief Building Official.
- 4.1.2 All Service Connections to the Sewer Works and all replacements to, relocations of, disconnections or removals from the Sewer Works require prior approval through written application and the issuance of a permit by the Corporation.
- 4.1.3 An Owner shall pay all applicable fees and charges for the supply, installation, replacement, relocation, or disconnection of Sanitary Sewer Service Connections as prescribed by Council.
- 4.1.4 Where Sanitary Sewers have been installed within a road Right-of-Way or easement which abuts the Property of an existing Building, the affected Owner shall connect to the completed Sanitary and /or Storm Sewer at his or her expense within twelve (12) months of the date of notice requiring the connection to be made provided to the Owner by the Corporation via registered mail at the Owner's last known address.
- 4.1.5 Unless permitted to do so otherwise under this By-law, no Person within a serviced area shall fail to ensure that Sewage from a Building or Property is Discharged into a Sanitary Sewer of the Sewer Works.

- 4.1.6 If any Property Owner fails to connect to a newly constructed abutting Sanitary Sewer as required by Subsection 4.1.4, the Corporation shall commence billing the Property Owner for Sanitary Sewer services, one (1) month after the required connection was to be made, at the monthly rate established by Council for Sanitary Sewer services through by-law adoption from time to time.
- 4.1.7 Where a direct Service Connection is made to the Sewer Works in compliance with this By-law, any septic tanks, cesspools and similar private Sewage disposal facilities shall be cleaned and filled, or removed or destroyed, within a period ten (10) calendar days after the Service Connection to the Sewer Works, to the satisfaction of the Chief Building Official.
- 4.1.8 Where specific health hazards exist, an Owner shall connect all sanitary facilities within an existing Building to the Sewer Works, in accordance with the Building Code, Part 7, within sixty (60) calendar days of receipt of a registered notice to make such Service Connection from the Corporation and/or from the Medical Officer of Health, to the satisfaction of the Chief Building Official.

4.2 Backwater Prevention

- 4.2.1 An approved Sewage Backwater Prevention Device meeting CSA Standard B181 shall be installed in the sanitary Sewage Discharge plumbing, in advance of the Building Sewer, in all new Buildings with basements or below grade crawl spaces, unless otherwise approved by the Chief Building Official.
- 4.2.2 If in the opinion of the Chief Building Official, in consultation with the Engineer, an existing Building is likely to experience, or has experienced, Sewage backup as the result of a storm event, the Corporation may provide financial assistance to the Owner, upon written application, for the installation of an approved Backwater Prevention Device to a maximum of \$1,000, subject to budget approval by Council and the availability of funds.
- 4.2.3 Backwater Prevention Device shall be of a design approved by the Corporation meeting CSA Standard B181 and installed as prescribed by the Ontario Building Code, Division B, section 7.4.6.4.2(a)(b) and in a manner specified by the Chief Building Official.
- 4.2.4 Backwater Prevention Device shall be installed behind clean-out and be readily accessible for Inspection and maintenance.
- 4.2.5 Backwater Prevention Device shall be maintained in good working order and protected, including protection from freezing, by the Owner at his/her expense.

4.3 Disconnection of Drain Connections from Sewage System

- 4.3.1 At the discretion of the Engineer, the Owner of any Building or Property which has a Drain, Storm Water Leaders, Downspouts, Foundation Drains and/or sump pumps connected to the Sewer Works shall disconnect such Drain, Storm Water Leaders, Downspouts, Foundation Drains and sump pumps from the Sewer Works.
- 4.3.2 Provided that funds are available, as approved through the Corporation's annual budget deliberations, financial assistance to a maximum reimbursement of \$4,000.00 may be considered to assist Owners with the Costs of the following repairs to disconnect Drainage connections from, and to reduce Extraneous Flow into, the Sewer Works.:
- a) Removal of roof leaders from the Sanitary Sewer.
 - b) Removal of existing sump pump connections from the Sanitary Sewer.
 - c) Repair or replacement of a leaking Building sewers.
 - d) Removal of Foundation Drain connections from the Sanitary Sewer

Notwithstanding the above, addition financial assistance may be provided, on application to the municipality, for larger-scale disconnection of Inflow and Infiltration into the sewer works at non single-family dwelling locations (Institutional, Commercial and Industrial properties).

SECTION 5 – STORM SEWER REGULATIONS**5.1 Connections**

- 5.1.1 All Service Connections to the Drainage Works and all replacements to, relocations of, disconnections or removals from the Drainage Works require prior approval through written application and the issuance of a permit by the Corporation.
- 5.1.2 An Owner shall pay all applicable fees and charges for the supply, installation, replacement, relocation, or disconnection of Drainage Service Connections as prescribed by Council.
- 5.1.3 In order to be granted a permit to connect to a Storm Sewer of the Drainage Works, a Building, Property or facility must be within a Storm Sewer service area as defined by the Official Plan of the Corporation as amended, and at the discretion of the Engineer must have frontage or flankage abutting a Sewer of the Drainage Works.
- 5.1.4 The application and permit referred to in Subsection 5.1.1 shall be in the form as may be prescribed by Council.
- 5.1.5 All multi-unit residential, commercial, recreational, industrial and institutional Buildings and Property shall be served with Storm Sewer or Drainage system, or Storm Water Management systems, separate from the Sewer Work and shall be in accordance with the latest version of the Corporation Standards.

5.2 Discharges to Storm Sewer

- 5.2.1 Unless permitted to do otherwise under this By-law, no Person shall fail to ensure that Storm Water or Drainage water is Discharged into the Drainage Works or into an approved Storm Water Management system, or to an approved Drainage Outlet.
- 5.2.2 All Storm Water or Drainage water of any nature or kind, including roof water, surface water, ground water and water from sump pumps or Foundation Drainage systems must either:
- a) be Discharged into the Drainage Works of the Corporation;
 - b) be allowed to Discharge only upon the lands of the Owner of the Building or lands from which such Storm Water or Drainage water exits;
 - c) not be Discharged and or directed toward surrounding properties;
 - d) be Discharged to a Private Drainage System or to a private Storm Water Management system;
 - e) be Discharged to a Watercourse;
 - f) be Discharged to an approved Drainage Outlet; or
 - g) be Discharged to such other place as the Corporation may direct.
- 5.2.3 Subject to the prior approval of the Ontario Ministry of the Environment and Climate Change and Region of Niagara, industrial cooling water or unpolluted process waters may be Discharged to the Drainage Works or to a Drainage Outlet at a location and in a manner approved by the Engineer.

5.3 Requirements re: Private Drains

- 5.3.1 No Person shall alter, fill, obstruct, block or in any way interfere with a Private Drain, including allowing a Private Drain to fall into disrepair such that the flow of storm, ground, surface or subsurface water from or to another private land is interfered with to the extent that the Owners or Operators of such other private land suffer damages or are inconvenienced.

- 5.3.2 Every Owner or Operator of land shall keep in repair any Private Drain on land owned or occupied by them. Every Owner or Operator of land shall alter, relay or repair any Private Drain as may be required by the Engineer.
- 5.3.3 The Engineer may send to, or serve on, the Owner or Operator of any land a notice requiring the Owner or Operator or any of them to maintain, repair, alter, relocate, or relay any Private Drain, within a specified number of calendar days, as may be required by the Engineer pursuant to Subsections 5.3.2.
- 5.3.4 If an Owner or Operator of any land fails to comply with the Engineer's notice sent or served under Subsection 5.3.3 the Engineer may cause the required work to be done; and the Cost of such work shall be paid by the said Owner or Operator; and if not paid may be added to the municipal tax roll of the Property of which the work was done and collected in like manner and with the same priority as municipal taxes.
- 5.3.5 If any Person causes or permits the blockage or obstruction of any Drain or Private Drain, the Engineer may by written notice to, or served on, such Person, require such Person to remove the blockage or obstruction within a specified number of calendar days of receipt of said notice.
- 5.3.6 If a Person fails to remove a blockage or obstruction of a Drain or Private Drain, within the specified number of calendar days, as required by the Engineer's notice; the Engineer may cause the blockage or obstruction to be removed, at the expense of said Person; and if Costs are not paid, the Costs may be added to the tax roll of the Property within which the blockage or obstruction occurred, and collected in like manner and with the same priority as municipal taxes.

SECTION 6 – INTERCEPTORS AND MAINTENANCE ACCESS POINTS

6.1 Interceptors

- 6.1.1 Every Owner or operator of a restaurant or other industrial, commercial or institutional Property where food is cooked, processed or prepared shall have or install, operate, and properly maintain a food related oil and grease Interceptor in any piping system that connects directly or indirectly to the sewer works in accordance with the requirements of CSA B481 as amended from time to time.
- 6.1.2 All Drainage Service Connections from commercial, recreational, industrial and institutional parking facilities shall be provided with sand, grit, oil and petroleum products Interceptors meeting Ontario Ministry of the Environment and Climate Change standards for Storm Water quality management.
- 6.1.3 Every owner or Operator of a motor vehicle service station, repair shop or garage or of an industrial, commercial or institutional Property or any other establishment where motor vehicles are repaired, lubricated or maintained shall have or install, operate and properly maintain an Interceptor designed to prevent motor oil, lubricating grease, fuels or other material associated with a motor vehicle from passing into any piping system that connects directly or indirectly to the sewer works.
- 6.1.4 Every owner or Operator of a Property from which sediment may directly or indirectly enter a Sanitary Sewer, Storm Sewer and/or the natural environment including but not limited to vehicle wash establishments, shall take all necessary measures to ensure that such sediment is prevented from entering the Sanitary Sewer, Storm Sewer, and/or the environment.
- 6.1.5 Every owner or Operator of a dental practice shall install and maintain a dental waste amalgam separator and comply with the Dentistry Act, 1991, S.O. 1991, C.24 and the regulations made thereunder, as amended from time to time, for the management and disposal of amalgam waste.
- 6.1.6 Any Interceptor described in Sections 6.1.1, 6.1.2, 6.1.3 and 6.1.4 shall be installed in compliance with the most current requirements of the applicable building code and CAN/CSA B481 Series 12. Interceptors shall be maintained by the owner, at the owner's expense, in good working order. The owner is required to produce a maintenance schedule and maintenance records for the preceding eighteen (18) months upon request of the Engineer. Maintenance requirements and cleaning frequency shall be posted at the

site in a conspicuous location in proximity to the Interceptor. The Engineer shall have the right to enter upon the Property at any time to inspect the operation and maintenance of the Interceptor.

6.2 Maintenance Access Points

- 6.2.1 The owner or Operator of commercial, institutional, or industrial Property, with one or more connections to a Sewage works shall install and maintain in good repair in each connection, a suitable maintenance access point (manhole) to allow observation, sampling and flow measurement of the Sewage therein. Where installation of a manhole is not possible an alternative device or facility may be substituted with the approval of the Engineer.
- 6.2.2 Every manhole or alternative device or facility shall be located on the Property of the owner or Operator of the Property, as close to the Property line as possible, unless otherwise approved by the Engineer.
- 6.2.3 Every manhole, device or facility installed as required by Section 6.2.1 of the by-law shall be designed and constructed in accordance with good engineering practice and the requirements of the Engineer, and shall be constructed and maintained by the owner or Operator of the Property.
- 6.2.4 The owner or Operator of commercial, institutional, or industrial Property shall at all times ensure that every manhole, device or facility installed as required by this by-law is at all times accessible for the purpose of observing, sampling and measuring the flow of Sewage therein.
- 6.2.5 The owner or Operator of commercial, institutional, or industrial Property shall provide written notification of the installation of maintenance access points and their location or the upgrading of existing maintenance access points, for each connection to the Sewage works at the site of a Discharger, for the purpose of monitoring or sampling Discharges.
- 6.2.6 Maintenance access points shall be maintained and constructed at the expense of the Discharger.

SECTION 7 – RESTRICTIONS

7.1 General Restrictions

- 7.1.1 Except as authorized in writing by the Engineer, only Sewage that originated from the Water Works may be Discharged to the Sewer Works.
- 7.1.2 No Person shall Discharge to the environment within any area under the jurisdiction of the Corporation any sanitary Sewage, contaminated or polluted water, except where suitable treatment of the Discharge is provided and approved by the Engineer, or the Chief Building Official.
- 7.1.3 No Person shall Discharge or deposit, or cause or permit to be Discharged or deposited, into or in the Sewer Works, or into or in the Drainage Works, a substance, material or object, which is or may become harmful to the Sewer Works or Drainage Works or the environment.
- 7.1.4 No Person shall conceal, interfere with, construct or maintain anything or cause or permit to be concealed or interfered with or constructed or maintained anything, that has the effect of concealing or interfering with access to a municipal or private Maintenance Hole, Interceptors, Catch Basins or a sewer lateral inspection tee.
- 7.1.5 No Person, except an employee of or Agent of or contractor engaged by the Corporation, shall uncover, enter, make any connection to or opening into, use, alter or disturb the Sewer Works or Drainage Works without first obtaining the approval of the Engineer.
- 7.1.6 Subsection 7.1.5 notwithstanding, an abutting Owner or his Agent may without approval enter into a Drainage Ditch of the Drainage Works for the purpose of clearing the Ditch of

growth or debris, or to clear an obstruction or blockage. Such cleaning or clearing shall not alter the invert of the Ditch.

- 7.1.7 No Person shall remove or tamper with or cause or permit any removal or tampering with, any Maintenance Hole cover, grate, cap, or any other opening into the Sewer Works or Drainage Works without the prior approval of the Engineer.
- 7.1.8 Upon the provision of reasonable notice permitted by the requirement or circumstance, the Engineer may temporarily restrict the use of the Sewer Works or Drainage Works, including the temporary shut-off of water from the Water Works, from time to time as necessary, to carry inspections, cleaning, maintenance, repairs, Service Connection, modifications, replacement, relocation, or rehabilitation to any part of the Sewer Works or Drainage Works.

7.2 Sewer Works Use Restrictions

- 7.2.1 Unless permitted to do otherwise under this By-law, no Person within a serviced area shall fail to ensure that Sewage from a building or Property is Discharged into a Sanitary Sewer of the Sewer Works.
- 7.2.2 No Person, unless specifically authorized by the Engineer in writing, shall cause or permit the entry of Storm Water or Drainage water of any kind into the Sewer Works.
- 7.2.3 The Foundation Drain system sumps shall not be constructed with high water level overflow provisions discharging directly into the Building Drain unless otherwise authorized in writing, by the Engineer.
- 7.2.4 The use of the Sewer Works and Sewage Discharge characteristics shall conform to the restrictions of the Regional Municipality of Niagara Sewer Use By-law No. 27-2014, as amended from time to time.
- 7.2.5 A Person responsible for:
- a) a Discharge to the Sewer Works, which may be considered hazardous to Persons, Property or animals;
 - b) a Discharge which may be considered detrimental to the efficient operation, or safety of the Sewer Works, or the treatment systems of the Regional Municipality of Niagara, or personnel thereof;
 - c) a Discharge which contravenes the Sewage Discharge characteristic restrictions prescribed by the Regional Municipality of Niagara Sewer Use By-law No. 27-2014 as amended;

shall immediately notify the Corporation, the Regional Municipality of Niagara and the Ontario Ministry of the Environment and Climate Change of such Discharge.

- 7.2.6 No Person shall directly or indirectly Discharge or deposit, or cause or permit to be Discharged or deposited, any type of hauled Sewage or hauled Sewage sludge into or in the Sewer Works without the prior written approval of the Engineer.

7.3 Drainage Works Use Restrictions

- 7.3.1 Unless permitted to do otherwise under this By-law, no Person shall fail to ensure that Storm Water or Drainage water is Discharged into the Drainage Works or into an approved Storm Water Management system, or to an approved Drainage outlet.
- 7.3.2 All multi-unit residential, commercial, recreational, industrial and institutional Buildings and Properties shall be served with Storm Sewer or Drainage System, or Storm Water Management systems, separated from the Sewer Works.
- 7.3.3 No Person shall directly or indirectly Discharge or deposit, or cause or permit to be Discharged or deposited, any Sewage of any kind in or into the Drainage Works.
- 7.3.4 No Person shall directly or indirectly Discharge or deposit, or cause or permit the Discharge or deposit of matter of any type in or into the Drainage Works, or into any Drainage Service Connection, or into any Ditch or Drain, or into any stormwater management system, where:

- a) To do so may cause or result in,
 - i) damage to the Drainage Works;
 - ii) interference with proper operations of the Drainage Works;
 - iii) blockage, obstruction or restriction of stormwater flows or Drainage flows therein;
 - iv) a hazard to any Person, animal, Property, or vegetation;
 - v) impairment of the quality of the water in any well, lake, river, pond, spring, stream, reservoir or other water or Watercourse;
 - vi) the contravention of a certificate of approval or provisional certificate of approval issued under the Ontario Water Resources Act or the Ontario Environmental Protection Act, as amended, with respect to the Storm Sewer and/or its Discharge;
 - vii) the contravention of the Fisheries Act with respect to the Drainage Works and/or its discharge from the Drainage Works into a water course; or
- b) The matter has characteristics prohibited by the Regional Municipality of Niagara Sewer Use By-law No. 39-2002 as amended from time to time.

7.4 Orders

- 7.4.1 Where a Person fails to comply with any provision of this By-law, the Engineer may make an Order directing the Person, within seven (7) calendar days of the issuance of an Emergency Order and fourteen (14) calendar days of the issuance of a Regular Order, to take such steps as are necessary to comply as outlined in the Order. If the Person fails to comply with the Emergency Order within seven (7) calendar days or a Regular Order within fourteen (14) calendar days, the Engineer may cause such work as necessary to be done at the Person's expense; and if not paid, the Costs may be added to the tax roll for the Property and collected in like manner and with the same priority as municipal taxes.
- 7.4.2 a) Orders served by the Engineer under Section 7.4.1 shall be served personally or by registered mail to the last known address of the Owner and to any other Person to be served.
- b) If an Order is served by registered mail, the service shall be deemed to have been made on the 5th day after the date of mailing.

SECTION 8 – PROHIBITIONS, ENFORCEMENTS AND PENALTIES

8.1 Interference with the Sewer Works or Drainage Works

Every Person who:

- a) throws, Discharges or deposits any substance or material into or in the Sewer Works or Drainage Works, which in any way fouls, obstructs or blocks flows in the Sewer Works or in Drainage Works, or causes or permits the same to be done; or
- b) Discharges or deposits, or causes or permits to be Discharged or deposited, into or in the Sewer Works or Drainage Works a substance which is or may become harmful to a Person; or
- c) Discharges or deposits, or causes or permits to be Discharged or deposited, into or in the Drainage Works a substance which is or may become harmful to the natural environment; or
- d) Discharges or deposits, or causes or permits to be Discharged or deposited, into or in the Sewer Works or Drainage Works, Sewage, Wastewater, liquid or any substance which is prohibited by this By-law or by the Regional Municipality of Niagara's Sewer Use By-law, as amended;

is guilty of an offence and on conviction is liable to a fine in accordance with Section 8.3.

8.2 Prohibitions and Offences

Every Person who:

1. being a Building or Property Owner, fails to connect to a Sanitary Sewer constructed within a road Right-of-Way abutting said Owner's Property, as required by this By-law; or
2. being an Owner or Operator, fails to control the Discharge of Storm Water or Drainage Water, as required by Corporation Standards; or
3. without a permit or prior authorization, connects, or causes to be connected, any pipe or Private Lateral to any pipe or main or Maintenance Hole or other Appurtenance of the Sewer Works or Drainage Works; or
4. fails to obtain an approved Service Connection permit ;
5. fails to construct a building sewer, or Private Drainage Lateral, in conformance with this By-law; or
6. fails to construct a private Sewage collection system or Private Drainage System in conformance with Corporation Standards; or
7. connects a Private Lateral to the Sewer Works or Drainage Works prior to approval and Inspection; or
8. connects a Private Drainage System to the Drainage Works prior to approval and Inspection; or
9. connects a Private Sewage Collection System to the Sewer Works prior to approval and Inspection; or
10. fails to inform the Chief Building Official that installation of a building Sewer, or Private Drainage Lateral is available for Inspection; or
11. fails to undertake and report the results of specified tests required under this By-law to ensure that the installation of a Service Connection meets standards and specifications, and functions adequately; or
12. having been given appropriate and adequate notice, fails to provide access to a building or Property for the purpose of inspecting, maintaining, repairing, modifying or replacing a Service Connection including Appurtenances thereof; or
13. having been given appropriate and adequate notice, fails to provide access to a building or Property for the purposes of inspecting and ensuring compliance with this By-law and taking corrective action as required, including access to a private Sewer collection system, or to a Private Drainage System, and Appurtenances thereof; or
14. willfully hinders or interrupts, or causes to be hindered or interrupted; the Corporation or any of its Officers, Agents, Workers or Contractors, in the exercise of any of the powers or duties conferred by this By-law; or
15. without prior written approval of the Engineer, Discharges, or causes or permits to be Discharged, to the Sewer Works, any Sewage containing water from a source other than the Water Works; or
16. without prior written approval of the Engineer, Discharges or causes or permits to be Discharged, either directly or indirectly, storm water, ground water or Leachate, or Drainage water, into or in the Sewer Works; or
17. without the prior written approval of the Engineer, Discharges or deposits, or causes to be Discharged or deposited, any type of hauled Sewage or hauled sludge into or in the Sewer Works; or
18. fails to notify the Corporation of a Discharge to the Sewer Works or Drainage Works that is in violation of the Sewer Works use or Drainage Works use restrictions of this By-law; or
19. fails to notify the Corporation of a Discharge to the Sewer Works or Drainage Works that is or may be hazardous to a Person; or

20. fails to notify the Corporation of a Discharge to the Drainage Works that is or may be hazardous to the natural environment; or
21. fails to adequately protect a Service Connection from damage, including from freezing; or
22. fails to provide the "as built" data and location of a Private Lateral to the Engineer; or
23. fails to adequately maintain or repair a Private Lateral; or
24. backfills an excavation or trench created for the installation, repair, relocation or replacement of a Service Connection, or part thereof, prior to Inspection and approval; or
25. fails to maintain a private Sewage collection system; or
26. fails to maintain a Private Drainage System or private Storm Water Management system; or
27. fails to provide written notification to the Engineer that a Service Connection has been disconnected; or
28. Blanks or caps, or causes or permits to be Blanked or capped, any Service Connection without prior approval; or
29. fails to cap or Blank a Service Connection in compliance with this By-law, in the manner specified by the Chief Building Official; or
30. fails to cap or Blank a municipal lateral immediately following installation while awaiting approval to Connect to the Sewer Works or Drainage Works; or
31. fails to cap or Blank a Service Connection required for the demolition of the Building or facility serviced; or
32. fails to obtain the written permission of the Engineer to reuse a capped or Blanked Service Connection; or
33. fails to provide adequate excavation, backfill and reinstatement of a trench to enable the Blanking or capping of a Service Connection as required under this By-law; or
34. fails to obey or conform to any Sewer Works or Drainage Works use restrictions imposed by Council; or
35. fails to obey or conform to any temporary Sewer Works or Drainage Works use restrictions imposed by the Engineer permitted under this By-law; or
36. fails to install a Maintenance Hole as required by this By-law; or
37. fails to ensure a private Maintenance Hole is readily accessible for use and Inspection at all times; or
38. fails to maintain a private Maintenance Hole is required by this By-law in good working order; or
39. fails to install an oil, grease, petroleum product, sand or grit Interceptor as required by this By-law; or
40. fails to maintain and ensure adequate functioning of a grease, oil, petroleum product, sand or grit Interceptor as required by this By-law; or
41. fails to provide maintenance records for any required Interceptor; or
42. fails to ensure an Interceptor is readily accessible for Inspection at all times; or
43. fails to install and maintain a Sewer backflow prevention device as required by this By-law; or
44. being an Owner or Operator, fails to maintain a private Ditch or Drain abutting, or contained in his/her lands, free of growth, debris or obstructions or blockages to Drainage flow; or
45. alters a Watercourse, Drain or Drainage Ditch that forms part of the Drainage Works, or part of a Municipal Drain, without the prior approval of the Engineer; or
46. fails to comply with an Engineer's notice to remove a blockage or obstruction to any Drain, within the number of calendar days specified in said notice; or

47. being an Owner, Lessee, Occupant or Operator, fails to comply with an Engineer's notice to maintain, repair, alter, relocate or relay any Private Drain within the number of calendar days specified in said notice; or
48. being an Owner, Operator or Contractor or Builder, fails to comply with the direction of the Engineer or Chief Building Official regarding the installation of a temporary Service Connection to the Sewer Works or to the Drainage Works; or
49. excavates, uncovers or enters a main, Maintenance Hole, Interceptor or other chamber of the Sewer Works or Drainage Works without prior approval of the Engineer; or
50. without authorization, removes or tampers with, or causes or permits any removal or tampering with, any Maintenance Hole cover, grate or any other opening into the Sewer Works or Drainage Works; or
51. undertakes or permits to be undertaken, thawing operations of any main, section or part or to any Service Connection of the Sewer Works or Drainage Works, without the prior approval of the Engineer; or
52. fails to repair a leak in a Building Sewer or private Sewage collection system within seven (7) calendar days of notice; or
53. having been given appropriate and adequate notice, fails to disconnect a Drainage Service Connection from the Sewer Works, within the prescribed number of calendar days; or
54. fails to adequately decommission a septic tank, cesspool, or other private system for the treatment and disposal of Sewage, following connection to the Sewer Works within the prescribed number of calendar days; or
55. without prior written approval of the Engineer, had a Foundation Drainage sump with a high water level overflow Discharge directly into the Building Drain; or
56. destroys, damages, removes, fraudulently alters or in any way injures any main, Maintenance Hole, Interceptor, Catch Basin, Service Connection, Inspection tee, Appurtenance or apparatus or thing belonging to the Corporation's Sewer Works or Drainage Works, or causes or permits the same to be done; or
57. fails to comply with or is in breach of any provision of this By-Law;

is guilty of an offence and upon conviction is liable to a fine in accordance with Section 8.3.

8.3 Penalties

- 8.3.1 Every Person other than a Corporation who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable for every day or part thereof upon which such offence occurs and continues to occur, to a fine of not more than \$5,000.00 for a first offence and \$10,000.00 for any subsequent offence.
- 8.3.2 Every Corporation that contravenes any provision of this By-law is guilty of an offence and upon conviction is liable for every day or part thereof upon which such offence occurs or continues to occur, to a fine, of not more than \$25,000.00 for a first offence and \$50,000.00 for any subsequent offence.
- 8.3.3 In this By-law, a subsequent conviction means a conviction for an offence which offence occurs after the date of conviction for an earlier offence under this By-law.
- 8.3.4 No Person shall hinder or obstruct an officer, appointed under this by-law or employed to enforce this by-law, from carrying out an Inspection of lands, nor shall any Person obstruct any employee or Agent authorized to carry out work for the City, specified in an Order issued hereunder.
- 8.3.5 As appointed by Council, this By-law shall be enforced by the following Officials of the Corporation as appropriate:
 - (i) the Municipal By-Law Enforcement Officers;
 - (ii) the Chief Building Official; or
 - (iii) the Building Inspectors.

8.3.6 Every Person who, by act, offence, default, neglect or omission; occasions any loss, cost, damage or injury to the Sewer Works, or Drainage Works, or any part or Appurtenance thereof, is liable to the Corporation for any and all financial losses and Costs incurred as a result.

8.3.7 No action or proceeding under the provisions of this By-law shall preclude the Corporation from the right and power to exercise any other right or remedy available to the Corporation.

SECTION 9 – GENERAL PROVISIONS

9.1 This by-law shall be not be interpreted to permit anything which by the provision of any applicable federal or provincial act or regulation is prohibited.

9.2 Where there is a conflict between the provisions of this by-law and the provisions of a federal or provincial act or regulation, the provisions of the applicable act or regulation are to prevail.

9.3 Should a Court of competent jurisdiction declare a part or a whole of any provision of this by-law to be invalid, or of no force or effect, the provision is deemed severable from this by-law, and it is the intention of Council that the remainder survive and be applied and enforced in accordance with its terms to the extent possible under the law.

9.4 Where there is a conflict between the provisions of this by-law and Regional Municipality of Niagara Sewer Use By-law 27-2014, as amended, the provision that is the most restrictive shall prevail.

9.5 All Schedules attached hereto are and form part of this By-law.

9.6 a) Any notice issued by the Engineer pursuant to this By-law shall be served personally or by registered mail to the last known address of the Owner of the land and to any other Person to be served.

b) If notice is served by registered mail, the service shall be deemed to have been made on the 5th day after the date of mailing.

SECTION 10 – REPEAL AND ENACTMENT

10.1 This by-law comes into force and effect on the date of its passing and enactment.


SECTION 11 – SHORT TITLE

11.1 This by-law may be known and referred to as the "Sewer and Drainage Works By-law".

READ A FIRST, SECOND AND THIRD TIME AND PASSED BY COUNCIL THIS 7TH
DAY OF MARCH, 2017.



Mayor



City Clerk

SCHEDULE A: SHORT FORM WORDINGS

THE CORPORATION OF THE CITY OF WELLAND

BY-LAW NUMBER 2017- 18

Sewer and Drainage Works Regulations


(Part I Provincial Offences Act)

SCHEDULE AOFFENCES AND SET FINES

Item	Short Form Wording	Provision Creating or Defining Offence	Set Fine
1	Foul, obstruct or block flows in the Sewer Works or Drainage Works	8.1(a)	\$500
2	Deposit or discharge into the Sewer Works or Drainage Works a substance harmful to a person	8.1(b)	\$500
3	Deposit or discharge into the Drainage Works a substance harmful to the natural environment	8.1(c)	\$500
4	Deposit or discharge into the Sewer Works or Drainage Works a prohibited substance	8.1(d)	\$500
5	Fail to connect to an abutting sanitary sewermain	8.2(1)	\$500
6	Fail to provide a storm water or drainage discharge control in compliance with Corporation Standards	8.2(2)	\$500
7	Unauthorized connection to the Sewer Works or Drainage Works	8.2(3)	\$500
8	Fail to obtain a service connection permit	8.2(4)	\$400
9	Fail to construct a private sewage collection system in accordance with the By-law	8.2(5)	\$400
10	Fail to construct a private drainage system in conformance with Corporation Standards	8.2(6)	\$200
11	Connect a private lateral to the Sewer Works or Drainage Works without prior inspection and approval	8.2(7)	\$300
12	Connect a drainage system to the Sewer Works or Drainage Works without prior inspection and approval	8.2(8)	\$300
13	Connect a private sewage system to the Drainage Works prior to inspection and approval	8.2(9)	\$300
14	Fail to inform that a private lateral was available for inspection	8.2(10)	\$300
15	Fail to undertake and report the results of required specified tests	8.2(11)	\$300
16	Fail to provide access for inspecting, maintaining, repairing, modifying or replacing a service connection	8.2(12)	\$300
17	Fail to provide access for inspection to ensure compliance with the By-law	8.2(13)	\$300
18	Hinder a Corporation Officer or Agent in the exercise of a power or duty under the By-law	8.2(14)	\$300
19	Without authority discharge sewage to the Sewer Works not originating from the Water Works	8.2(15)	\$200
20	Without authorization discharge storm, drainage or ground water or leachate to the Sewer Works	8.2(16)	\$400
21	Without authorization discharge hauled sewage or sludge to the Sewer Works	8.2(17)	\$500
22	Fail to notify the Corporation of a discharge that is in violation of the By-law	8.2(18)	\$200
23	Fail to notify the Corporation of a discharge that is or may be hazardous to a person	8.2(19)	\$300
24	Fail to notify the Corporation of a discharge that is or may be hazardous to the natural environment	8.2(20)	\$200
25	Fail to protect a service connection	8.2(21)	\$200
26	Fail to provide the constructed data and location information for a private lateral	8.2(22)	\$100
27	Fail to maintain a private lateral	8.2(23)	\$200
28	Backfill a service connection trench without prior inspection and approval	8.2(24)	\$200
29	Fail to maintain a private sewage collection system	8.2(25)	\$300
30	Fail to maintain a private drainage system or storm water management system	8.2(26)	\$200
31	Fail to provide written notification that a service connection has been disconnected	8.2(27)	\$200
32	Without approval, cap a service connection	8.2(28)	\$400
33	Fail to cap a service connection in conformance with this By-law	8.2(29)	\$200
34	Fail to cap a municipal lateral while awaiting approval to connect	8.2(30)	\$100

Item	Short Form Wording	Provision Creating or Defining offence	Set Fine
35	Fail to cap a service connection required for the demolition of a building	8.2(31)	\$300
36	Fail to obtain permission to reuse a capped service connection	8.2(32)	\$300
37	Fail to provide excavation, backfill and reinstatement to enable capping of a service connection	8.2(33)	\$200
38	Fail to obey Sewer Works or Drainage Works use restrictions imposed by the Council	8.2(34)	\$300
39	Fail to obey any temporary Sewer Works or Drainage Works use restrictions imposed by the Engineer	8.2(35)	\$200
40	Fail to install a maintenance hole as specified by the By-law	8.2(36)	\$300
41	Fail to ensure a private maintenance hole was accessible	8.2(37)	\$100
42	Fail to maintain a private maintenance hole	8.2(38)	\$100
43	Fail to install an interceptor as required by the By-law	8.2(39)	\$300
44	Fail to maintain an interceptor	8.2(40)	\$200
45	Fail to provide maintenance records for an interceptor	8.2(41)	\$100
46	Fail to ensure an interceptor was readily accessible for inspection	8.2(42)	\$100
47	Fail to install a backflow prevention device as required by the By-law	8.2(43)	\$100
48	Fail to maintain a private ditch	8.2(44)	\$100
49	Without prior approval, alter a water course or drainage ditch of the Drainage Works	8.2(45)	\$300
50	Without prior approval, alter a water course or drainage ditch of the Municipal Drain	8.2(46)	\$500
51	Fail to comply with the Engineer's notice to remove a blockage or obstruction to a drain within the notice period	8.2(47)	\$500
52	Fail to comply with the Engineer's notice to complete work on a private drain within the notice period	8.2(48)	\$300
53	Fail to comply with the direction of the Engineer or Chief Building Official regarding the installation of a temporary service connection	8.2(49)	\$200
54	Without prior approval, excavate, uncover or enter a main or maintenance hole or chamber	8.2(50)	\$200
55	Without authorization remove or tamper with a maintenance hole cover or other grate or opening	8.2(51)	\$100
56	Without prior approval, undertake thawing operations	8.2(52)	\$300
57	Fail to repair a leak in a private sewer lateral or private sewage collection system within the notice period	8.2(53)	\$300
58	Fail to disconnect a drainage service connection from the Sewer Works within the notice period	8.2(54)	\$500
59	Fail to adequately decommission a septic tank, cesspool or private sewage disposal facility	8.2(55)	\$500
60	Without approval, have a sump with a high water level discharge connection into the building drain	8.2(56)	\$300
61	Cause damage to the Sewer Works or Drainage Works	8.2(57)	\$500

Note: The general penalty provision for the offences listed above is section 8.3 of By-law 2017-18, a certified copy of which has been filed.

APPROVALS	
GENERAL MANAGER	
CFO	
CAO	

COUNCIL**INFRASTRUCTURE AND DEVELOPMENT SERVICES**

20-115

REPORT P&B-2020-69
DECEMBER 1, 2020

SUBJECT: APPLICATION FOR OFFICIAL PLAN AMENDMENT (OPA NO. 31) AND ZONING BY-LAW AMENDMENT (2020-10) SUBMITTED BY NIAGARA PLANNING GROUP ON BEHALF OF NIAGARA HP PROPERTIES INC. FOR LANDS ON THE WEST SIDE OF CLARE AVENUE, SOUTH OF WOODLAWN ROAD, LEGALLY DESCRIBED AS PART OF LOT 246, FORMER TOWNSHIP OF THOROLD, CITY OF WELLAND, MUNICIPALLY KNOWN AS 781 CLARE AVENUE

AUTHOR: RACHELLE LAROCQUE, BES, M.Sc., MCIP, RPP
PLANNING SUPERVISOR

APPROVING SUPERVISOR: GRANT MUNDAY, B.A.A., MCIP, RPP
MANAGER OF DEVELOPMENT APPROVALS

APPROVING G.M.: TRAVERS FITZPATRICK
GENERAL MANAGER,
INFRASTRUCTURE AND DEVELOPMENT SERVICES

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND approves application for Official Plan Amendment No. 31 to designate the lands on the west side of Clare Avenue, south of Woodlawn Road, more specifically described as Part of Lot 246, former Township of Thorold, now in the City of Welland, municipally known as 781 Clare Avenue from Low Density Residential to Medium Density Residential with a site specific provision to allow a maximum density of 94 units per hectare; and further

THAT Welland City Council approves Zoning By-law Amendment to Zoning By-law 2017-117 for lands on the west side of Clare Avenue, south of Woodlawn Road, more specifically described as Part of Lot 246, former Township of Thorold, now in the City of Welland, municipally known as 781 Clare Avenue from Residential Low Density 1 – RL1 to Site Specific Residential Multiple – RM.

ORIGIN AND BACKGROUND:

Applications for Official Plan Amendment and Zoning By-law Amendment were submitted by Niagara Planning Group on behalf of Niagara HP Properties Inc. on September 21, 2020 and was deemed complete on October 5, 2020.

COMMENTS AND ANALYSIS:

The Proposal

The purpose of the application for Official Plan Amendment is to redesignate the property from the existing Low Density Residential to Medium Density Residential with a special exception to allow for a maximum density of 94 units per hectare.

The application for Zoning By-law Amendment has been made to rezone the lands from Residential Low Density 1 – RL1 to Site Specific Residential Multiple – RM. The requested site specific amendments to the Zoning By-law are:

- To allow an interior side yard of 2 metres, whereas 3 metres is required;
- To allow a rear yard setback of 6 metres, whereas 7.5 metres is required;
- To allow an aisle for bicycle parking to be 1.2 metres whereas 1.5 metres is required;
- To allow for a minimum snow storage area of 17 square metres for a residential use with four or more parking spaces, whereas 18.46 square metres is required; and,
- To allow for a landscaped parking strip of 0.3 metres abutting a residential use for a parking lot containing more than 10 but fewer than 100 spaces, whereas 1.5 metres is required.

The requested amendments have been made to develop the site with three blocks of townhouse units with twelve units, with each unit having an accessory apartment, for a total of 24 dwelling units. The proposal includes 34 parking spaces for future residents.

The Site

The lands are located on the west side of Clare Avenue, south of Woodlawn Road. The property is currently developed with a single detached residential dwelling and an accessory building. The lands are approximately 2,574 square metres in size.

Surrounding Land Uses

The lands immediately to the north are single detached dwellings, and to the north-east are two commercial properties at the intersection of Woodlawn Road and Clare Avenue. To the east is a medium density residential townhouse development. To the south and west are low density residential uses, as well as a land locked residential parcel.

Development and Agency Comments Received

City of Welland • No comments regarding the applications.
Infrastructure and
Development Services

Traffic, Parking & By-laws Division
(November 23, 2020)

City of Welland
Infrastructure and
Development Services –
Engineering Division
(November 23, 2020)

Region of Niagara
Planning and
Development Services
(October 30, 2020)

- Engineering has reviewed the proposed plan for development. The proposed storm connection from the existing maintenance hole is not acceptable. The developer will be required to extend the storm sewer along Clare Avenue, to the front of the development, or provide an acceptable alternative for Engineering to review.
- The lands are located within the Welland Urban Area and within the identified Built-Up Area. The proposed development will help the City achieve the annual intensification target of 40%.
- The proposed development of three townhouse blocks containing 24 dwelling units is considered as infill and residential intensification within the built-up area, which will make more efficient use of designated urban land and existing services and contribute towards reaching intensification targets.
- Niagara Region provides curbside waste and recycling collection for developments that meet the Region's policy. As the development proposes to use the Molok system, the waste collection will be the responsibility of the owner through a private contractor.
- The Region has reviewed the preliminary stormwater management plan. Some preliminary comments have been provided, however, full comments will be provided at the time of Site Plan Approval.
- Regional Planning and Development Services staff provide no objection to the proposed Official Plan and Zoning By-law Amendments from a Provincial and Regional perspective.

A virtual Public Information Meeting was held on October 29, 2020 to gain public input regarding the proposed applications. Seven (7) members of the public participated in the Public Information Meeting, in addition to the applicant and their agent. The following comments and concerns were raised at the Public Information meeting:

- Questions regarding compatibility of proposal with neighbouring single detached dwellings;
- Questions whether the proposed decks could be removed from the proposal, or be provided at-grade to address privacy issues;
- Consideration of removing some parking to create a smaller parking lot;
- Concerns with loss of privacy due to number of units and decks;
- Traffic concerns; and,
- Concerns with the density of the proposal.

At the time of writing this report, twelve (12) letters from members of the public have been submitted as well as a petition opposing the development with 50 signatures. The concerns raised in the letters are similar to those raised at the public meeting, in addition to:

- Concerns with too little parking;
- On-street parking concerns;
- Concerns with property values;
- Light pollution and noise;
- Concerns with garbage;
- If the developer would be interested in building 1-2 storey buildings and increasing landscaping to buffer neighbouring properties; and,
- Three letters in support of the application.

The Statutory Public Meeting under the Planning Act was held on November 10, 2020. The comments and concerns raised at the statutory public meeting were the same as those at the Public Information Meeting and in the letters submitted, in addition to comments and concerns raised regarding stormwater management and the amount of impervious surface proposed on the property.

Provincial Policy

Provincial Policy Statement

The Provincial Policy Statement (PPS) provides policy direction for growth and development within the Province. All decisions must be consistent with the policies in the PPS. Settlement areas are to be the focus of growth and development. The land uses and patterns shall be based on densities and a mix of land uses which efficiently use land and resources and are appropriate for the infrastructure and public services that are planned or available, among other criteria. The PPS also encourages development which supports active transportation and support the use of transit. The lands are within an area with existing municipal services (water, sanitary, and storm) and there is capacity to accommodate the development.

Preliminary comments from the City's Engineering Division has identified that there may be extensions to the storm system required, but this will be a minor expansion. Two Welland Transit routes run in front of this property along Clare Avenue, the 502 and 504 routes, with stops directly in front of the property on the east side of Clare Avenue. The lands are also within walking distance to Woodlawn Park and the Steve Bauer Trail, providing recreational opportunities include safe active transportation for the future residents. The property is also within walking distance to Niagara College and Gordon Public Elementary School. The proposal is consistent with this policy direction in the PPS.

The PPS also requires municipalities to provide an appropriate range and mix of housing options and densities to meet current and future residential needs, for both market-based and affordable housing needs. The policies encourage all types of residential intensification, including additional residential units and redevelopment. New housing development should be directed to areas where appropriate levels of infrastructure and public service facilities are available. The proposal will create a new form of housing in the area (stacked townhouses) which will provide a range of housing sizes and forms, with one bedroom units on the ground floor and three bedroom units on the upper floors.

The subject lands are within an area with existing municipal services, are on two Welland Transit lines, and are within walking distance to municipal parks, trails, and educational facilities. The proposal will redevelop the property with a medium density housing form which is compatible with the neighbourhood, and makes more efficient use of urban, service lands. The proposal is consistent with the policies in the PPS.

A Place to Grow Growth Plan for the Greater Golden Horseshoe

The A Place to Grow Plan (P2G) encourages that the vast majority of growth will be directed to settlement areas which have: a delineated built boundary; have existing or planned municipal water and waste water systems; and, can support the achievement of complete communities. The P2G further encourages growth to be located within the identified built-up area, strategic growth areas, locations with existing or planned transit, and areas with existing or planned public service facilities (schools, libraries, parks, etc.). The PPS also requires that 40% of all new growth, which is to be increased to 50% at the time of the next municipal comprehensive review, occur within the delineated built-up area.

The subject lands are within the delineated built-up area within the City of Welland. It is within an area with a mix of uses and densities, with commercial uses to the north-east, a medium density townhouse development directly east, and low density residential uses to the north, south, and west. As previously identified, the lands are within an area that is serviced with municipal transit, walking distance to municipal parks and trails, as well as within walking distance to Gordon Public Elementary School and Niagara College. The lands have access to municipal services with capacity to accommodate the proposed development. The project will assist the City in achieving the identified intensification target of 40%. The

lands have not been identified as an intensification area, but as the lands are within the delineated built-up area, intensification and redevelopment is encouraged.

The development will provide a new form of housing in the area, which will provide housing for a greater range of residents and incomes. The proposal will assist in creating a complete community, which provides for a range of housing types, is transit supportive, and encourages active transportation. The proposed applications and proposed development is consistent with the requirements in the P2G.

Region of Niagara Official Plan

The property is located within the City's Urban Area according to the Region's Official Plan. The Region's policies promote growth and development within urban areas that can access municipal services. The Region's policies promote the creation of livable and walkable communities that are in close proximity to services and community facilities. The development will connect to existing municipal infrastructure, and is within walking distance to commercial businesses, schools, recreational trails, and a municipal park.

The Region's policies are consistent with those in the PPS and the P2G. They encourage infilling and intensification where there is existing municipal infrastructure and services. The Region's policies encourage a mix of land uses and the creation of complete communities. The Region also includes a target of 40% of all new residential growth being within the delineated built-up area

The proposal is considered to be an infilling and intensification project within the City and will take advantage of existing municipal services. The proposal will help the City in achieving the intensification targets. The proposal is consistent with the policies in the Region's Official Plan.

City of Welland Official Plan

The proposal has been made to redesignate the property from the existing Low Density Residential to a site specific Medium Density Residential to allow for a maximum density of 94 units per hectare. The proposal has been made to permit the development of the property with 24 stacked townhouse units. The property is within an area of a mix of Low Density Residential and Medium Density Residential designations.

The City's Official Plan encourages infilling and intensification throughout the identified built-up area, consistent with those policies in the PPS, P2G, and Region's Official Plan. The Official Plan allows for an as-of-right increase to the maximum allowable density where there is a site specific Zoning By-law Amendment of 20% without having to amend the City's Official Plan. This would allow for a maximum density on the site (in the Medium Density designation) of 72 units per hectare, or 18 units on the property. Based on this policy in the Official Plan, the increase to the density requested can be reviewed as an increase from

72 units per hectare to 94 units per hectare, or from 18 units to 24 units, which is a minor increase.

The Official Plan identifies that the following should be considered when examining applications for intensification in existing residential areas:

- Land use and neighbourhood character compatibility;
- The subject lands are within an area of a mix of uses. The lands to the north are low density residential; north-east commercial and residential; to the east is a medium density townhouse development; and, to the south and south-west are low density residential uses.
- The surrounding neighbourhood is a mix of densities and uses. Permitted uses under the Medium Density Residential designation include triplex, four-plex, townhouse, stacked townhouse, and low rise apartment buildings up to 6-storeys. The proposal is for stacked townhouses, which is identified as a permitted use. There are currently townhouses within the immediate neighbourhood and is a compatible use.
- Lot pattern and configuration;
- The shape of the lot will not change as a result of the applications for Official Plan Amendment and Zoning By-law Amendment as the lands will either be used as rental units, or as part of a Standard Condominium. The development has been designed to ensure that the driveway access to the site is aligned with the driveway on the east side of Clare Avenue to minimize any traffic issues.
- Accessibility;
- Any other accessibility features incorporated into the individual dwellings will be at the discretion of the individual property owners.

- Parking requirements;
 - The City's minimum parking standards are one space per unit. The proposal is to create 24 dwelling units with 34 parking spaces, which is approximately 1.4 spaces per unit. This exceeds the City's minimum requirements. The proposal also includes 6 bicycle parking spots, which is consistent with the requirements in the Zoning By-law.
- Potential for additional traffic and traffic manoeuvrability;
 - Access to the site and to the parking area will be provided via a private driveway. As previously identified, the driveway access has been aligned with the driveway to the townhouse development on the east side of Clare Avenue. This was done to minimize any sightline and access conflicts between the two developments.
 - Based on the number of units created, a Traffic Impact Study was not requested or warranted.
- The potential for transit ridership;
 - As previously identified, two Welland City Transit lines run in front of the property with a bus stop on the east side of Clare Avenue in front of the property. The proposed development may result in an increase in transit ridership.
- Natural (including natural hazards) and built heritage conservation/protection;
 - There are no natural or built heritage conservation or protection areas on or abutting the site.
- The availability capacity of municipal infrastructure;
 - There is capacity in the existing infrastructure to accommodate the proposed development.
- Residential intensification targets identified in this plan.
 - The proposed development will assist the City in achieving the target of 40% of all new residential development being within the Built-Up Area. That intensification goal will be increased to 50% at the time

of the next Comprehensive Review, and the proposed development of this site will contribute to achieving that goal

The City's Official Plan encourages that new development in existing neighbourhoods shall reinforce and improve upon the character defined by the existing built form and landscaping. As previously identified, the lands are within an area of mixed uses. The existing house on the property is 1.5 storeys in height and set back from the road. The existing houses in the area are set back approximately 7 metres, with some located further and some closer to Clare Avenue. The proposed development will move the first row of townhouses closer to the road with front porches and connections to the street, which is consistent with the guidelines within the City's Urban Design Guidelines. The applicant has proposed landscaping throughout the site. The applicant has also indicated that they would be willing to put landscaping on the private property to the south to increase the buffering and privacy of the parking lot to this dwelling and their amenity area.

The Official Plan identifies that the following should be examined when reviewing applications for Official Plan Amendments:

- Provincial and Regional policies and plans;
- The lands are identified as being within the Built-Up Area within the A Place to Grow Plan and Region's Official Plan. These plans encourage infilling and intensification that takes advantage of existing services. The proposal is an infilling application at a higher density than surrounding areas.
 - The lands are within the urban area of Welland, which is promoted as the focus for growth and development within the City, as per the guidance of the PPS. The development of these lands will not require the uneconomical extension of services, nor will it require an expansion to the City's urban boundary.
 - The proposed Official Plan Amendment meets the intent of the provincial plans and the Region's Official Plan.
 - The City's Official Plan creates a number of strategic objectives that can be achieved through the development of this property. The vision, strategic directions, and goals of this plan;

amendment will help create a complete, sustainable, safe, healthy, and accessible City. The development is consistent with the strategic directions of the plan.

- Whether the amendment creates an inappropriate precedent; and,

 - The proposed development will achieve the minimum intensification targets that have been set in the City's Official Plan of 40% of all new residential development being intensification.
 - The redesignation of these lands will not create an inappropriate precedent. The lands on the opposite side of Clare Avenue are currently designated Medium Density Residential, although the development did not ask for an increase in the density when it was developed. The proposed Medium Density designation would allow for the development of the site with 18 residential units without a site specific amendment. At the time of Building Permit, six of those units could include accessory apartments which would increase the total number of units to 94 units per hectare without an amendment as the Official Plan is not applicable law under the Building Code. The applicant has requested the increase in the density to allow for the development of the site with the stacked townhouses that will allow for a new form of housing within the area and a mix of housing sizes. The proposal to increase the density on the property to allow for 94 units per hectare is appropriate.
- The City, neighbourhood and immediate area impacts of the proposed land use change

 - The applicant has included a number of measures to be implemented through the Site Plan and at the time of development to minimize negative impacts to neighbouring dwellings. The applicant has identified that privacy screens will be included on all rear yard decks, has proposed solid fencing along the northern property line and the southern property line, and has proposed additional landscape buffering to be planted in

the rear yard of the neighbour to the south. The proposed dwellings are 2.5 storeys in height, which is permitted and is lower than the permitted 3 storeys in low density residential areas.

The proposed Official Plan Amendment is appropriate as it will provide an alternative housing type within the neighbourhood. Although the proposed development will likely not meet the definition of affordable housing, it will provide a more affordable housing type within the City, and within the neighbourhood. The location of the site will take advantage of existing services (infrastructure and transit), and is within walking distance to services, parks, and schools. As such, City Planning staff are of the opinion that the application is appropriate and the Official Plan Amendment can be supported.

City of Welland Zoning By-law 2017-117

The lands are currently zoned Residential Low Density 1 – RL1 in the City's Zoning By-law and the request for amendment has been made to rezone the lands to site specific Residential Medium – RM. The amendments to the Zoning By-law requested are:

- To allow an interior side yard of 2 metres, whereas 3 metres is required;
- To allow a rear yard setback of 6 metres, whereas 7.5 metres is required;
- To allow an aisle for bicycle parking to be 1.2 metres whereas 1.5 metres is required;
- To allow for a minimum snow storage area of 17 square metres for a residential use with four or more parking spaces, whereas 18.46 square metres is required; and,
- To allow for a landscaped parking strip of 0.3 metres abutting a residential use for a parking lot containing more than 10 but fewer than 100 spaces, whereas 1.5 metres is required.

The above noted amendments have been requested to allow for the redevelopment of the property. The requested reductions to the side and rear yard setbacks are minor and the applicant has identified ways in which they will maintain the privacy for adjacent neighbours through the installation of fencing and privacy screens.

The amendments requested for the snow storage, parking landscape strip, and bicycle parking aisle have been requested to provide more parking than is required in the City's Zoning By-law to ensure that both resident and visitor parking spaces are required. The applicant has identified privacy screening and landscaping measures that can be implemented at the time of Site Plan Approval.

The proposal meets all other requirements in the Zoning By-law. Planning staff are of the opinion that the proposal is consistent with the intent of the Zoning By-

law and is appropriate for the property. As such, staff are supportive of the application for Zoning By-law Amendment.

Public Comments

A number of comments were provided from the public at the Public Information Meeting, Statutory Public Meeting, and through letters provided to the City. A summary of the comments and responses is below.

Parking

Staff received comments that there was both too little parking provided, and too much parking provided. Comments provided regarding not enough parking identified that there would not be enough parking spots to accommodate 2 cars per unit and as a result, additional cars will park on the street.

The comments received regarding too much parking being provided on site is as a result of the information in the Planning Justification Report pointing to the development being affordable housing, and the location of the lands along Welland Transit routes.

The provision of parking is a balancing act, as can be seen by the comments received from two different neighbours that are contradictory. The City's Zoning By-law provided the one space per unit requirement for parking for dwelling units (0.3 spaces per unit where the unit is less than 50 square metres in size) to recognize that not all residents have cars, and to encourage transit ridership and active transportation. Although these are the minimums, there are no maximums in terms of the number of spaces provided, that is the decision of the applicant. Clare Avenue permits parking on-street in accordance with the City's Parking By-law, which would permit overflow parking onto Clare Avenue. At this time, there are no concerns with on-street parking, so long as it is in compliance with the City's by-law.

Although the Planning Justification Report prepared by the agent for the applicant has identified the development as being 'affordable' it will likely not fall within the definition of 'affordable housing', nor be operated by an affordable housing provider. In consultation with the applicant, it was identified that the development is intended to be a more affordable housing choice to allow residents to gain entry into the home ownership market.

Staff are of the opinion that one space per unit in this development is appropriate, and do not object to the provision of additional spaces at the initial stage of the development. Should the owners in the future find that there is more parking than is needed, those parking spaces can be removed.

Height

A number of comments were received requesting that the height of the proposed buildings be limited to 1-2 storeys. The current zoning on the property of Residential Low Density 1 – RL1 allows for a maximum height of 3 storeys as of

right. The Residential Multiple – RM Zone allow for a maximum height of 6 storeys for a multiple residential dwelling. The proposal has been made for 2.5 storey buildings, which is lower than what is permitted in both the RL1 and RM Zones. The applicant has outlined mitigation measures that they will implement at the time of Site Plan Approval and construction to provide privacy for the future residents of the units, as well as to maintain the privacy in the rear yards of adjacent dwelling units.

Density

A number of comments and concerns were raised regarding the compatibility of the proposed density of the development with the adjacent properties. The request has been made for the site specific increase to the overall density of the property. If the applicant had only applied for an Official Plan Amendment to change the designation to Medium Density Residential, a total of 18 units could be constructed on the site, which would equate to a total density of 72 units per hectare. It is also worth noting that the applicant could have added accessory apartments to the units once the buildings were constructed as the Official Plan is not applicable law under the Building Code, and the density of the development would not be reviewed at the time of Building Permit.

Concerns have also been raised that if the Official Plan and Zoning By-law Amendments are approved, this could permit a building of up to 6 storeys in height, as is permitted in the Zoning By-law and the Official Plan. Although this height is permitted, the density on the property would limit the development to a maximum of 24 units. Any changes to the building design may result in the need for further amendments to the Zoning By-law, which would require an additional public process and public consultation.

FINANCIAL CONSIDERATION:

All costs associated with the development of the property will be at the sole cost of the owner.

OTHER DEPARTMENT IMPLICATIONS:

Other City Divisions were circulated these applications for review and comment. Where comments were received, they have been included in this report.

SUMMARY AND CONCLUSION:

The proposed applications for Official Plan Amendment and Zoning By-law Amendment to redesignate the property to Special Exception Medium Density Residential and rezone the property to Site Specific Residential Multiple – RM to allow for the construction of 24 stacked townhouse units, represents good planning because:

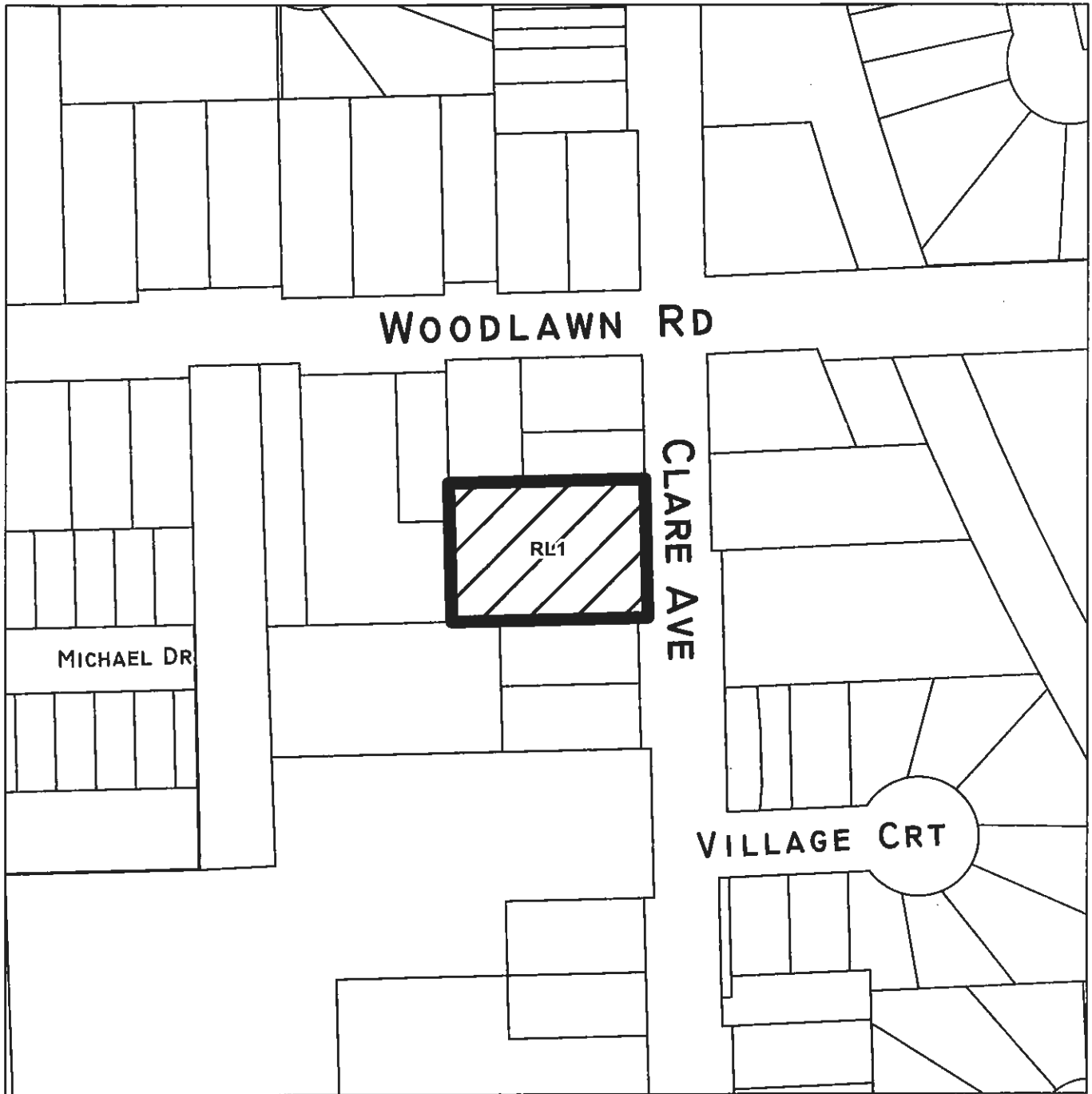
1. Is consistent with Provincial, Regional and City policies which encourage infill and intensification within the identified Built-Up Area;
2. Uses existing municipal infrastructure and does not require the expansion of these services;

3. Is transit supportive and will promote active transportation; and,
4. Will assist the City in achieving the yearly intensification target.

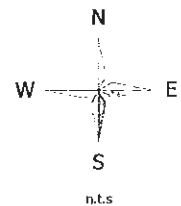
ATTACHMENTS:

- Appendix I - Location Map
- Appendix II - Draft Site Plan
- Appendix III - Draft Official Plan Amendment (excerpts)
- Appendix IV - Correspondence

2020-10 & OPA 31



KEY MAP



SUBJECT LANDS



*Infrastructure and
Development Services*
Planning Division

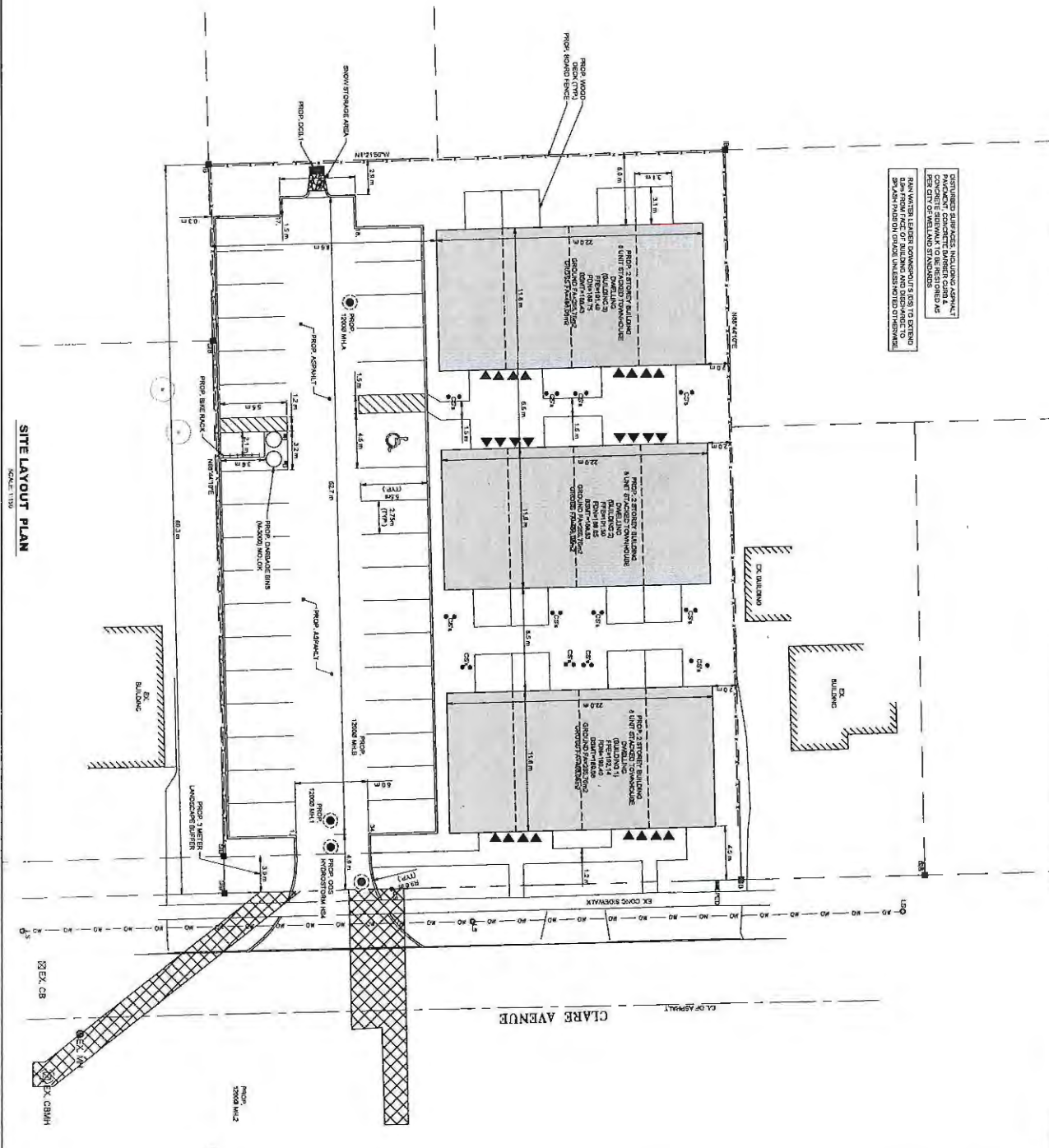
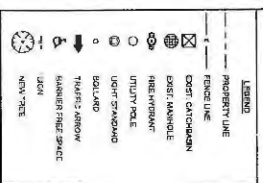
SITE STATISTICS 2024

Category	Value	Unit
Lot Area	2011	m ²
Front Footprint	102.2	m
Side Footprint	102.2	m
Depth	102.2	m
Perimeter	307.6	m
Area	2011	m ²
Volume	2011	m ³
Weight	2011	kg
Temperature	20.1	°C
Humidity	65.0	%
Pressure	101.3	kPa
Wind Speed	10.0	m/s
Wind Direction	135	°
Cloud Cover	30	%
Visibility	10.0	km
Soil Type	CLAY	
Rock Type	SANDSTONE	
Vegetation	GRASS	
Water Table	1.5	m
Groundwater	1.5	m
Seismicity	LOW	
Geology	SANDSTONE	
Topography	FLAT	
Climate	TEMPERATE	
Population	1000	
Economy	INDUSTRIAL	
Environment	CLEAN	
Infrastructure	GOOD	
Quality of Life	HIGH	
Healthcare	EXCELLENT	
Education	GOOD	
Transportation	GOOD	
Utilities	GOOD	
Security	GOOD	
Crime Rate	LOW	
Unemployment	5.0	%
Homelessness	100	
Homelessness Rate	0.005	%
Homelessness Density	0.005	%/m ²
Homelessness Incidence	100	
Homelessness Prevalence	100	
Homelessness Risk	LOW	
Homelessness Impact	LOW	
Homelessness Mitigation	LOW	
Homelessness Prevention	LOW	
Homelessness Treatment	LOW	
Homelessness Support	LOW	
Homelessness Services	LOW	
Homelessness Programs	LOW	
Homelessness Policies	LOW	
Homelessness Legislation	LOW	
Homelessness Regulation	LOW	
Homelessness Enforcement	LOW	
Homelessness Compliance	LOW	
Homelessness Accountability	LOW	
Homelessness Transparency	LOW	
Homelessness Integrity	LOW	
Homelessness Honesty	LOW	
Homelessness Fairness	LOW	
Homelessness Justice	LOW	
Homelessness Equity	LOW	
Homelessness Inclusion	LOW	
Homelessness Participation	LOW	
Homelessness Collaboration	LOW	
Homelessness Partnership	LOW	
Homelessness Alliance	LOW	
Homelessness Coalition	LOW	
Homelessness Network	LOW	
Homelessness Community	LOW	
Homelessness Society	LOW	
Homelessness Culture	LOW	
Homelessness Values	LOW	
Homelessness Beliefs	LOW	
Homelessness Attitudes	LOW	
Homelessness Behaviors	LOW	
Homelessness Emotions	LOW	
Homelessness Thoughts	LOW	
Homelessness Feelings	LOW	
Homelessness Moods	LOW	
Homelessness Opinions	LOW	
Homelessness Views	LOW	
Homelessness Perspectives	LOW	
Homelessness Standpoints	LOW	
Homelessness Positions	LOW	
Homelessness Stances	LOW	
Homelessness Postures	LOW	
Homelessness Attitudes	LOW	
Homelessness Beliefs	LOW	
Homelessness Values	LOW	
Homelessness Principles	LOW	
Homelessness Ethics	LOW	
Homelessness Morals	LOW	
Homelessness Virtues	LOW	
Homelessness Vices	LOW	
Homelessness Sins	LOW	
Homelessness Crimes	LOW	
Homelessness Offenses	LOW	
Homelessness Misdemeanors	LOW	
Homelessness Felonies	LOW	
Homelessness Crimes	LOW	
Homelessness Offenses	LOW	
Homelessness Misdemeanors	LOW	
Homelessness Felonies	LOW	

PROPOSED WORK TYPE

Category	Value	Unit
Foundation	100	m ²
Structure	200	m ²
Roofing	300	m ²
Interior	400	m ²
Exterior	500	m ²
Landscaping	600	m ²
Site Work	700	m ²
Utilities	800	m ²
Transportation	900	m ²
Other	1000	m ²

PROPOSED WORK TYPE: ALL WORK IN ONE PHASE



PROJECT: CONSTRUCTION OF GARAGE	CLIENT: MRS. J. SMITH	DATE: SEPT. 10, 2020	SCALE: AS SHOWN
PROJECT TITLE: SITE: 100/100	DATE: SEPT. 10, 2020	SCALE: AS SHOWN	DATE: SEPT. 10, 2020
DATE: JAN 2020	SCALE: AS SHOWN	DATE: SEPT. 10, 2020	SCALE: AS SHOWN
DR. BY: A	CH. BY: A	DATE: SEPT. 10, 2020	SCALE: AS SHOWN
JOB NO.: 20203	DATE: SEPT. 10, 2020	SCALE: AS SHOWN	DATE: SEPT. 10, 2020
DWG. NO.: 4	DATE: SEPT. 10, 2020	SCALE: AS SHOWN	DATE: SEPT. 10, 2020

ALLEX ENGINEERING LTD.

1400 14th Ave. S.W. Suite 205
Edmonton, Alberta T6A 1K4
Tel: 780-441-1111 Fax: 780-441-1112

REGISTERED PROFESSIONAL ENGINEER



APPENDIX I - AFFIDAVIT

IN THE MATTER OF SECTION 7, ONTARIO
REGULATION 543/06

AND

IN THE MATTER OF THE ADOPTION OF
OFFICIAL PLAN AMENDMENT NO. 31 BY BY-
LAW 2020-XX PASSED BY COUNCIL OF THE
CORPORATION OF THE CITY OF WELLAND
ON DAY, MONTH, 2020

I, Grant Munday of the City of Welland in the Regional Municipality of Niagara,
make oath and say as follows:

1. I am the Manager of Development Approvals, Infrastructure and Development Services of the Corporation of the City of Welland.
2. That in accordance with Section 17(15) of The Planning Act, as amended and Section 3 of Ontario Regulation 543/06, Notice of the Public Meeting was published in the Niagara This Week on August 6, 2020. I hereby certify that the required Public Meeting was held on September 1, 2020 by the Council of the Corporation of the City of Welland.
3. A list of all persons or public bodies which made oral submissions at the Public Meeting is attached as Schedule "A" to this Affidavit.
4. That in accordance with Section 17(23) of The Planning Act, as amended, and Ontario Regulation 543/06, the requirements for the giving of Notice of Adoption of the Amendment have been complied with.
5. That in accordance with Section 7(7) of Ontario Regulation 543/06, the decision of Council is consistent with the Policy Statements issued under sub-Section 3(1) of the Act and conforms to any applicable Provincial Plan or Plans.

Sworn before me at the City of Welland
in the Regional Municipality of Niagara,
this X day of X, 2020.

SCHEDULE "A" TO APPENDIX 1 - AFFIDAVIT

List of individuals who made oral submission in support of the application at the Statutory Public Meeting conducted November 10, 2020 concerning Amendment No. 31 to the Official Plan of the Corporation of the City of Welland.

In Support:

Mary Lou Tanner, Niagara Planning Group
Christopher Paley, Owner
Jim Hallucha, Project Engineer

In Opposition:

Matt Sneider
Michael Cullip
Ryan Mooney

DRAFT

To Whom It May Concern:

Regarding the zoning change to 781 Clare Ave, and the proposed 24 unit dwelling.

Currently this North end neighbourhood is an owner occupied single family dwelling area. Adding 24 units to a single lot will increase the population of the area by 50-70 people. The 12 three bedroom units will on average have two adults and two children living in them, and the one bedroom will on average have two adults. Adding this amount of people will lower the property values by around 15% or more for the surrounding homes as well as increase the crime rate in the area.

The Woodlawn/Clare intersection is a busy residential two lane intersection which has seen increased traffic over the last few years with the opening of Clare Ave at Lincoln St. Adding an increase of approximately 50 cars will congest the area even more causing accidents at the intersection.

The proposed dwelling is lacking sufficient parking for the amount of adults who will be living in the buildings. Sadly Welland transit is not the means of transportation that people in the community use and each household generally has two or more vehicles. Clare Ave has inattiquite space for street parking, Woodlawn is a no parking road and unlike big cities there are no paid parking lots in the area for the excess vehicles to be parked.

The proposed dwelling has balconies and windows on the second floor that will be overlooking neighbouring properties taking away the privacy that was the selling feature when people purchased their homes. Also there will be light pollution due to the lighting on the buildings and excess noise from 24 households coming and going in the building parking lot.

Another concern is with the extra children in these units the already over capacity schools that have multiple portables will have even more crowded classrooms with the extra children that the multi-unit dwelling will bring to the area.

This property is 40% smaller then the property across the street that only has 14 units and 28 parking spaces, which equals two for each unit.

An ideal use for 781 Clare Ave would be a 1-2 story freehold townhouses or 1-2 story single family row housing with a max of 10 units and a minimum of two parking spaces each. This is a better fit to the existing neighbourhood and would add value to the area verses decreasing the value of the properties in the area.

Thank you

Lindsay and Ryan Mooney
499 Woodlawn Rd, Welland

Rachelle Larocque

From: Kevan Peters
Sent: October 21, 2020 1:01 PM
To: Rachelle Larocque
Subject: File no 2020-10 & OPA 31

WARNING: This email originated from an external sender. eMail from City of Welland email accounts will not begin with this warning! Please do not click links or open attachments unless you are sure they are safe!

Hello Rachelle,

I am aware of proposed amendments to the Official Plan and Zoning by-laws relating to 781 Clare Avenue as listed on the City of Welland's website.

I write you to share my support in favour of the proposal to redesignate the subject lands from LOW density to MEDIUM density.

I am familiar with the neighborhood and I see future densification as a positive contributor to the surrounding properties and businesses.

The opportunity to bring additional residences within an already serviced lot will invite a refreshed vibrancy and produce additional revenue to the area with no impact on existing infrastructure or investment from the city.

I understand the property across the street is already zoned for MEDIUM density and feel it'd be appropriate for this lot to be granted the same amendment.

I ask that my submission be presented to City Council and considered in future discussion.

I understand a Virtual Public Information meeting is planned for October 29 and wish to view the presentation. I'd appreciate if you could provide me a link in order to attend.

Thank you,

Kevan Peters
(of Niagara Falls)

Sent from Mail for Windows 10

This email has been scanned for spam and viruses by Proofpoint Essentials. Click [here](#) to report this email as spam.

Rachelle Larocque

From: D Bartman
Sent: October 21, 2020 11:00 AM
To: Rachelle Larocque
Subject: File#2020-10 8781 Clare Ave

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Hello Rachelle,

I am against the proposed change in zoning at this address. We already have a four unit townhouse complex located across the street from this address. Families have bought homes in this area over the years because of the single family residences. There have been quite a few duplexes constructed on Clare near Thorold Rd.. There is a new subdivision just west of Clare with maybe 75 homes. All this contributes to more traffic/speeding cars on Clare Ave.. Please mark me down as opposed to the rezoning of this lot. Thanks.

Deno Bartman
761 Clare Ave

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October 25, 2020

John and Ulla Cullip
777 Clare Avenue
Welland On

SUBJECT: Resident letter opposing the Application to Amend Zoning by-law 2017-117 (File No. 2020-10)

ATTENTION: Rochelle Laroque, Grant Mundy and Welland City Council

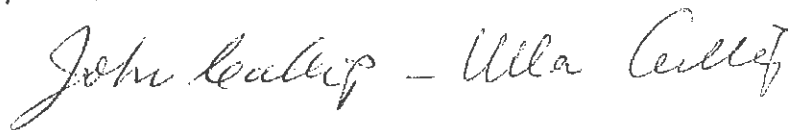
I am writing to you today about the proposed zoning by law and development of 781 Clare Avenue, as we are currently residing at 777 Clare Avenue. We have concerns along with our neighbours as to the type of development that will be occurring here.

I retired when I was 70 and am currently 80 years old. I took 3 years to find my retirement home and it saddens us that we will not be able to appreciate our quiet, open space at this time in our lives. I feel some anxiety of having to wait for possible development and then of course the time that construction will take with loud trucks, dust, garbage that blows around and comes along with the construction. Also, the rat issue that seems to pop up every time land in the Niagara Region comes under construction is a thought of ours. I also am not looking forward to staring at a 197' fence, or hearing the cars coming and going not to mention the garbage truck/container noises and possible smell from garbage bins.

Our City Councillor, Adam Moote, has assured me that if I put my concerns in a letter it will reach the proper people. A citizen my age will try, but I do not have the proper technology skills or equipment to join the meeting in a speaking fashion. I will try to log on to listen though. This is my COVID challenge at this time. Please review the following concerns.

Thank you for your time

Sincerely,

A handwritten signature in cursive script that reads "John Cullip - Ulla Cullip". The signature is written in black ink and is positioned to the right of the word "Sincerely,".

John and Ulla Cullip

Other than the things I am unhappy about noted in letter above, my other concerns are as follows:

1. I have a problem with the fact that we are considering rezoning in R1 areas to pop in RM areas anywhere. Nobody is guaranteed from trying to stay away from a high density areas if they so choose with the affordability of housing these days. My question is, "Is this something that is becoming a trend in our city?"
2. Parking is a concern. To vary from the RL1 zone which would allow 6 units to increase to 24 units in RM zone would mean more parking availability than what has been proposed. Most families have more than one car, and therefore, parking allowance for 24 units will not be suitable and no room for visitors. I feel this will lead to street parking. I have recently already experienced issues getting out of my driveway. Town Houses across the street have a 40% bigger lot with 14 units, and 28 parking spots. My question is, "What is going to happen to street parking in the future?"
3. Traffic is a concern. The traffic from the Corner Store, Sue's Seafood, and the Bus Stop is workable, but as I mentioned above, has recently become an issue with increased speeding in town. Even with the traffic lights, it is quickly becoming a dangerous corner. My question is how is the city going to be able to manage this?
4. The site map shows 2 storey housing which is much taller than the homes around it. I have lost some privacy. The town houses across the street side up to a place of business and the single house dwelling on the other side simply has the sides of a house to look at, not neighbours sitting on a high deck viewing into your back yard. My question is would the builder be interested in putting in trees or cedars on our side of the fence line?
5. Garbage is a concern. We all know the paper and garbage on construction sites gets everywhere. The Thorold housing construction leading into Welland is much bigger but created much garbage in ditches and across the roadway in farmer's field. My question is, "Will the builder be considerate of this? And what is there policy on clean up in surrounding area?"
6. I have travelled throughout the city and found a lovely little neighbourhood on Elmwood Avenue that respected the neighbourhood style. My question is, "Would the builder be interested in building homes which suit our existing neighbourhood style?" I understand the need for affordable housing in our ever growing city however, I feel existing residents should have a greater say in Councils vote on the subject especially with lands already zoned for specific housing types. It seems as though money is creeping into the decisions of sellers and developers yet again.

Thank You, I would much appreciate a response to my concerns.

① SPEEDING TRAFFIC FROM WOODLAWN

② TRAFFIC FROM VARIETY STORE

③ FROM HOUSE

④ FROM SUES FISH & CHIPS

⑤ BUS STOP

⑥ 14 UNIT TOWNHOUSES

CLARE AVE

WOODLAWN RD

HOUSE EXIT

EXIT

VARIETY STORE

EXIT

House

EXIT

SUES FISH & CHIPS

EXIT

BUS STOP

EXIT

14 UNITS TOWNHOUSES

28 PARKING SPOTS

77 CLARE
MY
HOUSE

PROPOSED
AREA

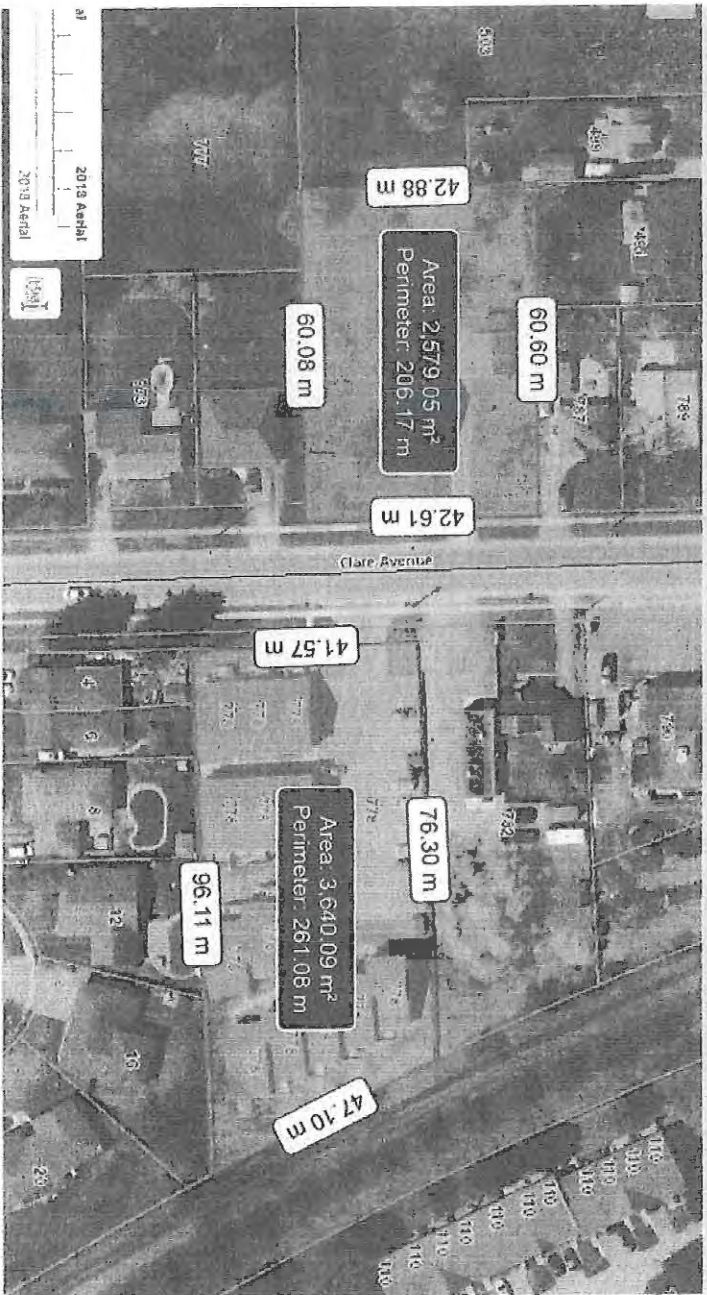
3 ROTS RL1

ITS HARD TO EXIT
MY DRIVEWAY NOW
IMAGINE ALL THOSE
EXTRA ON STREET
PARKING FROM TENANTS
AND GUESTS

GATOR

781 clare avenue

Click or tap to draw a multi-sided shape and find area. Double-click/tap to finish.



781 CARE
 24 UNITS
 24 PARKING SPOTS

778 CARE
 14 UNITS
 28 PARKING SPOTS

778 care
 40%
 BIGGER
 NO REAR
 NEIGHBOR
 L SIDES
 WASH AND

Rachelle Larocque

From: Chris Paroshy
Sent: October 26, 2020 1:26 PM
To: Rachelle Larocque
Subject: Email in support of 781 Clare

WARNING: This email originated from an external sender. eMail from City of Welland email accounts will not begin with this warning! Please do not click links or open attachments unless you are sure they are safe!

Hi Rachelle,

Please accept this email as my written submission in support of the proposed development located at 781 Clare Ave, Welland.

I am a recent university graduate working in the area and I am looking to purchase my first home but I have been struggling to find a suitable place in the current market. I heard of this development and I think it will provide much needed affordable housing options. The supply of housing has been a major issue in my search for a home and I am hopeful that this development will proceed so I might have a chance at purchasing.

Thank you,
Chris Paroshy
56 Loyalist Dr. L3C 2Y1
Welland, ON

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Rachelle Larocque

From: Beverly Gerada
Sent: October 26, 2020 5:22 PM
To: Rachelle Larocque
Subject: Re: Application to Amend Zoning By-law 2017-117 (File No. 2020-10)

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My property is 789 Clare Ave. The lot on the corner of Clare Ave. and Woodlawn. I do NOT approve of this property change. This is a rural area of Welland and I do NOT want the added traffic and noise near my property.....this area is RURAL and should stay RURAL. I AM NOT GIVING MY APPROVAL FOR THIS CHANGE!
Sent from Yahoo Mail on Android

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Rachelle Larocque

From: Larry Foster
Sent: October 26, 2020 3:25 PM
To: devserv
Subject: 781 Clare Avenue

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SUBJECT: Application to Amend Zoning By-Law 2017-117 (File No. 2020-10) City of Welland Official Plan OPA No. 31 Redesignate part of lot 246 know as 781 Clare Avenue from Low Density Residential to Special Policy Medium Density Residential.

I am Larry Foster, 503 Woodlawn Road, Welland, Ontario L3C 3K2 email: _____ Phone: _____

This correspondence is relatively long but every word is carefully chosen.

I respectfully ask that City Council and every person responsible for this decision please take a step back to carefully consider all of the consequences of their potential approval of this precedent setting application with regard to the proposed site location of 781 Clare Avenue.

Every person I have spoken to regarding this application are surprised that the City Council is even considering approval. They, like myself, rely on the City Council to protect us from developers whom have no consideration whatsoever for the citizens of Welland nor the complications they create for the City itself.

In comparison to this 24 unit housing proposal, The existing 14 unit development directly across the street is almost twice the land area, has two parking spaces per unit and are not triple stacked. It is important to note that bounding the 14 units are Sue's Fish and Chips on the south, north has a Convenience Store, east has parkland and west is Clare Avenue. There is also a Bus Stop and a School Bus Stop at this location.

The increase in traffic from the additional concentration of 24 units and the related traffic coming and going will create an untenable traffic burden on the already saturated volume of vehicles in this location.

The proposed 24 units will undoubtedly result in vehicles parking on Clare Avenue which will create the obvious dangers to the already increased traffic flow from the ever increasing busy intesection of Woodlawn Road and Clare Avenue, the two commercial buildings, the 14 unit dwellings, a City Bus Stop, a School Bus Stop and the surrounding single family dwellings.

The 24 units are consentrated on a small land area with parking spots that are difficult to in and out of, especially in the winter months. Snow removal will be next to impossible on this site resulting in inevitable parking on Clare Avenue dangerously close the the busy intersection. City snow removal will be negatively impacted compounding the dangers associated with street parking at this location on Clare Avenue.

I would ask that each individual responsible for this decision to take a personal moment to consider this realistic scenario then ask themselves if it is really worth it to subject the residents of the proposed 24 units, the existing 14 units, the surrounding homes, stores and to the City of Welland itself to the irreparable damage in the maintenance of

a safe flow of traffic year round. The strains and stresses of living in this 24 unit postage stamp and to the surrounding citizens is unconscionable.

This location is already saturated with vehicular traffic. It cannot safely sustain the addition of 24 more vehicles plus all additional related traffic.

If for no other reason, The detrimental location of the proposed 24 unit site should, on its own, be sufficient reason to deny the application to rezone 781 Clare Avenue.

I ask that the City of Welland Council and everyone responsible for this decision err on the side of caution and agree that there is reasonable doubt that this 24 unit development is suitable for the 781 Clare Avenue location.

Respectfully,

Larry Foster
email:

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Rachelle Larocque

From: Matt Snieder
Sent: October 26, 2020 8:35 PM
To: Rachelle Larocque
Subject: 781 new proposal
Attachments: 001.jpg; 002.jpg; 003.jpg; 004.jpg

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Hello rachel

This is Matt Snieder from 787 Clare Avenue which is the neighbouring property of 781 Clare Avenue. This email is in regards to the new proposal of the 24 dwelling unit build on lot 781. I would like this email and petition with over 50+ signatures attached read at all meetings regarding this matter.

I have several issues and concerns with this proposal.

-During my walks for the signatures on the petition I found that very few people knew about this proposal and left me to explain my situation. This was very hard to do while trying to maintain social distancing and wearing a face mask. Of the over 50 people I spoke to, only 3 people did not want to sign. Mostly due to the fact cause they were not informed of the situation and did not want to get involved with a topic they were not properly informed of. One of the people who did not know about this proposal was the new renter at the house of 781 Clare Avenue. I think this is very unfair and shows a lack of consideration for other people's needs. The lady of the house is supposed to email you regarding her personal situation.

-The size of the buildings are extremely large compared to any other of the immediate surrounding buildings. They are larger than the rental units immediately across the street of the property (778 clare avenue). Even though those units only house 14 families and are on a lot 40% LARGER than the lot 781 Clare Avenue is on. The 778 Clare Avenue lot also holds 28 parking lots and only 14 family units, which is a respectable ratio considering most family dwellings have two adults that own 2 vehicles which require parking. The proposal on lot 781 with a 40% SMALLER lot and 24 units has roughly 30 parking spots and some bike parking. This leaves the parking at the 781 lot an issue especially on the already busy road. Parking on the side of the road already leaves me with hard visibility to safely enter and exit my driveway.

- there is already high traffic coming from:

- 1) Sues Seafood
- 2) the 14 family dwelling units on 778 clare avenue
- 3) Golden Variety on the corner of clare and woodlawn.
- 4) the Large apartment building on the corner of Woodlawn Road on Clare Avenue on the north side.

All of these sources of traffic are in a stretch of road no longer than 400 feet, according to Google Maps. Including a lot on 781 Clare Avenue.

The proposed building with 24 units will definitely add to the existing high traffic on Clare Avenue.

- I have two younger kids that enjoy the outdoors very much. We highly enjoy using the path way that is right in front of our house. But have to cross the intersection to get to it. with it being a high traffic as it is. I am already concerned for my children's safety and with this new development traffic and safe crossing for my kids will continue to be an issue.

-Personal privacy will be invaded with the large 2 story building on top of a raised basement. With raised balconies on all the dwelling units, it will give the residents of that building a direct view to many of the backyards of the surrounding lots. I find this very invasive and it will greatly take away from the day to day comfort of the use of our backyards knowing that we can be watched

by surrounding strangers. Also these large buildings will take away from our view in our backyard. instead of seeing well developed trees and sky from our back yard i will be looking at extremely large building walls.

- All these issues will also take from the value of our house. As much as I would not like to live beside a large building with high traffic and invading our privacy, these issues will also be very apparent to any future buyer we might have if we decide to move from this location. When in my yard looking at our surrounding neighbours I see tall trees and blue skies. I enjoy the scenery, including the trees in the 781 lot which will have to be removed for the large buildings. This will leave me to look at walls, windows and balconies instead.

After all this being said, I don't discourage the current developer to build, but encourage him to build something that would not impose on people's privacy. Something that would not highly increase traffic on an already busy road. Something that will not take away from the visual appearance and enjoyment from this already well established neighbourhood. But to build something that can blend in well with its surrounding area and be enjoyed by all people who are affected by it. There is a newer build on Elmwood just off Lincoln Street that has a very nice, desirable, one storey, homey appearance to it. I would highly enjoy and encourage a build like this.

I thank you for reading this letter and hope you take this into consideration and would also want this letter and petition to be read at all town meetings that deal with the issue of lot 781 on Clare Avenue.

Thank you,
Matt Snieder

PRESCRIBED FORM OF PETITION

To: The Council of the City of Welland
 c/o City Clerk
 60 East Main Street
 Welland, ON L3B 3X4

I/We the undersigned, petition the Council of the City of Welland as follows:

In regards to stopping 781 Clare Ave lands being redesignated from LOW DENSITY RESIDENTIAL to MEDIUM DENSITY RESIDENTIAL and the development of 24 dwelling units.


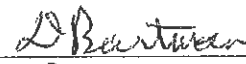
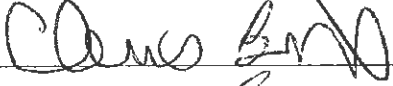



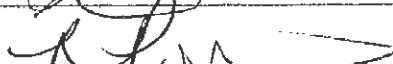

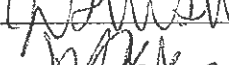
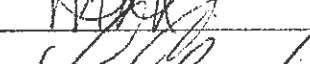



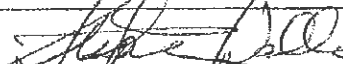
PRINTED NAME	PRINTED ADDRESS	SIGNATURE
Julie Snieder	781 Clare Ave Welland	Julie Snieder
Matt Snieder	781 Clare Ave	Julie Snieder
BEVERLY GERADA	789 CLARE AVE	Julie Snieder
Chris Costa	495 Woodlawn Rd	Chris Costa
Lindsay Mooney	499 Woodlawn Rd	L. Mooney
Ryan Mooney	499 WOODLAWN RD	R. Mooney
Larry Foster	503 Woodlawn Rd	L + J Foster
Jacqueline Foster		
Rocco Conte	507 Woodlawn Rd.	Rocco Conte
Les Chambers	504 Woodlawn Rd	Les Chambers
Brenda	490 Woodlawn Rd	Brenda
Matthew Coors	484 Woodlawn rd	M. Coors
RANDY BOOTH	784 CLARE AVE	Randy Booth
JOHN CULLIP	777 CLARE	John Cullip
James Trotter	773 Clare	James Trotter

PRESCRIBED FORM OF PETITION

To: The Council of the City of Welland
 c/o City Clerk
 60 East Main Street
 Welland, ON L3B 3X4

I/We the undersigned, petition the Council of the City of Welland as follows:

In regards to stopping 781 Clare Ave lands being redesignated from LOW DENSITY RESIDENTIAL to MEDIUM DENSITY RESIDENTIAL and the development of 24 dwelling units.

PRINTED NAME	PRINTED ADDRESS	SIGNATURE
Rick Rouillard	4 Village Ct	
Deno Bartman	761 Clare Ave	
DEWIS BISSON	8 VILLAGE CT	
Ron Befanger	12 Village Crt	
Evan Rocketteller	20 Village Ct	
Dave Lupton	22 Village Ct	
A Ponting	23 Village Crt	
J Brishkov	11 Village Crt	
Marianne David	758 CLARE AVE	
LARRY & JILL CLARK	3 GRAYSTONE CR.	
RAY & DIANE DAVID	732 CLARE AVE	
KATHY YOUNG	724 CLARE AVE.	Kathy Young
ALAN YOUNG	" "	
Vivian Mastroianni	716 Clare Dr.	
Stephan Waller	700 Clare Ave	

PRESCRIBED FORM OF PETITION

To: The Council of the City of Welland
 c/o City Clerk
 60 East Main Street
 Welland, ON L3B 3X4

I/We the undersigned, petition the Council of the City of Welland as follows:

In regards to stopping 781 Clare Ave lands being redesignated from LOW DENSITY RESIDENTIAL to MEDIUM DENSITY RESIDENTIAL and the development of 24 dwelling units

PRINTED NAME	PRINTED ADDRESS	SIGNATURE
Jana Tyler Fraser	694 Clare Ave Welland	J. Fraser
GORD CHERVEY	701 CLARE AVE	G. Chervy
Trevor Howard	725 Clare Ave.	T. Howard
F. P. Ricci	741 Clare Ave	F. P. Ricci
Kurt Voth Kurt Voth	755 Clare Ave	K. Voth
Chris Bestman	757 Clare Ave	C. Bestman
AM Bestman	757 Clare Ave	A. Bestman
Carol Ducharme	777 Clare Ave.	C. Ducharme
Devon Anderson	778 Clare Ave	Devon Anderson
D. Koppejan	833 Clare Ave	D. Koppejan
A. Smith	835 CLARE AVE	A. Smith
Uta Haley	837 CLARE AVE	Uta Haley
Rick Lutz	837 CLARE AVE	Rick Lutz
Tim Michal	839 Clare Ave	Tim Michal
Notashe Klawer	839 Clare Ave	N. Klawer

Rachelle Larocque

From: Garth Paley
Sent: October 30, 2020 10:44 AM
To: Rachelle Larocque
Subject: Application for Official Plan Amendment (OPA 31) and Zoning By-law Amendment (2020-10) - 781 Clare Avenue

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Good Morning Rachelle,

I am in favour of this development taking place on Clare Ave. It suits the surrounding area, intensifies housing and at a lower cost than single family homes. Welland needs more affordable housing, as has been espoused by many. This will create another alternative housing for the greater Welland market.

--
Garth Paley
Broker
Re/Max Welland Realty Ltd, Brokerage
ph 905-687-7653
office 905-732-4426

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Rachelle Larocque

From: jcullip@
Sent: October 30, 2020 10:48 AM
To: Rachelle Larocque
Subject: Fw:
Attachments: 781 clare ave 001.jpg

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From: jcullip@
Sent: Friday, October 30, 2020 10:08 AM
To: john
Subject: Fw:

Rachelle Larocque

I am sorry I was not able to speak at the zoom meeting last night, but as you see I am against this zone change with all the other people on the petition, this area, was zoned r11 for a reason to keep all new buildings uniform to the neighborhood it seems now that if you buy a nice property in the neighborhood, some people with money are allowed to say I want this, this and this changed so I can build something that is not supposed to be here, I would like to know if you would like this built next to your house I think not. I think Matt Snieder was right about the traffic count and problems, the last traffic count was about four years ago, it would be unfair to do one now because Niagara College is closed and many, many people are working from home, and I am sure we have lots more traffic now Clare is open from Webber rd, as you see from my diagram if tenants and visitors were parked in front of the buildings along with people for fish and chips, buses, and school buses, there could be problems, would you put no parking signs, on the west side from Woodlawn to Village court, also we are unclear if these units are going to be condo's or affordable housing units, big difference, what about the green space and the loss of those old trees, also if the zone is changed to (SPECIAL POLICY MEDIUM DENSITY RESIDENTIAL) please explain would this allow the builder to switch from condo's to affordable housing as he desired, I beg the council not to allow this change, it's giving Wellanders the wrong idea. will this be discussed at the council meeting.

John and Ulla Cullip
 905-735-4266.

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Via E-mail Only

October 30, 2020

Files: D.10.11.OPA-20-0026
D.18.11.ZA-20-0061Ms. Rachelle Larocque, MCIP, RPP
Planning Supervisor
Infrastructure and Development Services
Corporation of the City of Welland
60 East Main Street
Welland, ON
L3B 3X4

Dear Ms. Larocque:

**Re: Regional and Provincial Review Comments
Official Plan and Zoning By-law Amendments
Agent: Niagara Planning Group Inc.
Owner: Niagara HP Properties Inc.
781 Clare Avenue
City of Welland**

Regional Planning and Development Services staff has reviewed the information and supporting materials submitted by Niagara Planning Group Inc. on behalf of Niagara HP Properties Inc. for the Official Plan and Zoning By-law Amendment applications for the subject property municipally known as 781 Clare Avenue in the City of Welland.

The Official Plan Amendment application proposes to change the existing Low Density Residential to Special Policy Medium Density Residential designation in City Welland Official Plan. The purpose of the Amendment is to allow for the construction of three townhouse blocks, containing 24 dwelling units, with a maximum density of 94 units per hectare. The concurrent Zoning By-law Amendment application proposes to change the existing Residential Low Density 1 – RL1 to Site Specific Residential Medium – RM in Zoning By-law 2017-117. The purpose of the Amendment is to allow for reduced yard setbacks and site specific provisions for minimum snow storage area, aisle width for bicycle parking, and landscape buffer width.

A pre-consultation meeting was held for this proposed development on June 18, 2020 with the applicant and City and Regional staff in attendance.

As outlined below, Regional staff is generally supportive of the proposed development in principle and provides the following comments to assist the City in their consideration of these applications from a Provincial and Regional perspective.

Regional and Provincial Policies

The subject lands are located within the Welland Urban Area, as designated in the Regional Official Plan (ROP). The Welland Urban Area is considered as a Settlement Area by the 2020 Provincial Policy Statement (PPS).

The ROP, PPS and 2019 A Place to Grow, Growth Plan for the Greater Golden Horseshoe (Growth Plan) together direct development to take place in urban areas and support intensified development where appropriate servicing and infrastructure exists. Both Regional and Provincial policy place an emphasis on intensification and infill as the preferred form of development to help foster the development of complete communities that have a mix of land uses, employment opportunities, and are active-transportation and transit supportive.

The subject lands are located within the Provincially designated Built-up Area of the City of Welland. Accordingly the proposed residential growth will count towards the City's annual residential intensification target of 40% and therefore, generally conforms with and is consistent with Provincial and Regional growth management policy directions.

Staff notes that the proposed development of three townhouse blocks, containing 24 dwelling units is considered as infill and residential intensification within the built-up area, which will make more efficient use of designated urban land and existing services and contribute toward achieving the above noted residential intensification targets. The form of housing proposed will add to the housing types and densities in this area. The applications therefore, generally conforms with and is consistent with Provincial and Regional growth management policy directions.

Waste Collection

Niagara Region provides curbside waste and recycling collection for developments that meet the requirements of Niagara Region's Waste Collection Policy. However, Regional staff acknowledge that the applicant is proposing the use of Molok Units on site. This type of waste collection does not align with the Regions Waste Collection Policy therefore an appropriate clause will be included through future development applications (site plan) to indicate that waste collection will be the responsibility of the owner through a private contractor. Notwithstanding the above comments, the site remains eligible for unlimited curbside recycling and green bin collection.

Stormwater Management

Regional staff has reviewed the 'Storm Water Management Design Brief 781 Clare Avenue (dated September 15, 2020)' and engineering drawings (dated June 2020) all

by Hallex Engineering Ltd. Based on our review of the submitted materials, we offer the following comments:

- 1) The Niagara Region will require that stormwater runoff from the development be captured and treated to a Normal Level of protection prior to discharge from the site. The Region has no objection to the proposed installation of an oil-grit-separator to meet water treatment requirements.
- 2) The Region has no comments with respect to stormwater post-development peak flow control prior to discharge to the City's storm sewer.
- 3) The Region considers Low Impact Development measures as necessary to retain stormwater runoff onsite in order to mitigate development impact. Regional staff suggest that a bio-retention basin (refer to LID Stormwater Management Planning and Design Guide) be incorporated at the ditch catchbasin to filter/retain storm runoff from the parking area, and the proposed swales be sized to retain at least 5mm rainfall water from the rooftops. The proposed oil-grit separator could be downsized or removed if the bio-retention basin is appropriately sized to meet water quality requirement.
- 4) Prior to construction, the Niagara Region will require that detailed grading, storm servicing, stormwater management, and construction sediment control drawings be submitted to our office for review and approval.

Conclusion

In conclusion, Regional Planning and Development Services staff would offer no objection in principle to the proposed Official Plan and Zoning By-law Amendments from a Provincial and Regional perspective.

Regional staff have reviewed the draft Official Plan Amendment (OPA No. 31) and schedule. Given the site specific nature of the amendment, Regional staff notes that in accordance with the Memorandum of Understanding and exemption policies in the Regional Official Plan, the proposed Official Plan Amendment is exempt from Regional Council approval.

If you have any questions or wish to discuss these comments, please contact myself at lindsay.earl@niagararegion.ca. Please send notice of Council's decision on these applications.

Yours truly,



Lindsay Earl, MCIP, RPP
Senior Development Planner

cc: Pat Busnello, MCIP, RPP, Manager, Development Planning, Niagara Region
Susan Dunsmore, P. Eng., Manager, Development Engineering, Niagara Region

Rachelle Larocque

From: Matt Snieder
Sent: November 1, 2020 12:47 PM
To: Rachelle Larocque
Subject: Matt snieder regarding 781 clare Avenue issue's
Attachments: Screenshot_20201101-112611_Drive.jpg; Screenshot_20201101-112622_Drive.jpg; Screenshot_20201101-112301_Drive.jpg; 20201030_173936.jpg

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Hi rachelle thank you for letting me speak in the last zoom meeting. I'm sorry if I sounded annoyed and bothered in the meeting. During the meeting I asked if there was a zoning section in between zoning RL1 to RM. The lady I was speaking to clearly said no there is not and that it goes directly from RI1 to RM.

But after further investigation I found that this is a lie. It actually goes From RL1 to RL2 then to RM.

So this lady clearly lied to me during the meeting or she is under educated for the position she is holding. Which in either case I believe to be unacceptable.

This information is clearly shared in the city of wetland zoning web page.

I strongly think that this should be re addressed in the next meeting.

And maybe their proposals should be inspected thoroughly for any more miss information that this lady is either hiding or not willing to admit.

There is obvious and clear differences between RI1, RI2 and Rm.

I have attached this information to this email. Also with a picture of the on going parking issues we have on the street every Friday.

I would also be more understanding of up grading the property to RL2. Which I still find abrasive but more acceptable.

Rachelle Larocque

From: Larry Foster
Sent: November 1, 2020 3:56 PM
To: mayor
Cc: Rachelle Larocque; Councillor Adam Moote; devserv; Theresa Ettore

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SUBJECT: Application to Amend Zoning By-Law 2017-117 (File No. 2020-10) City of Welland. Application for Official Plan Amendment (OPA No. 31). Redesignate part of lot 246 know as 781 Clare Avenue from Low Density Residential to Special Policy Medium Density Residential.

I am Larry Foster, 503 Woodlawn Road, Welland, Ontario L3C 3K2 email:

Phone:

At the Public Information Meeting on Oct. 29, 2020 I noticed that the "Key Date" of Oct. 30, 2020 was the deadline for written comments to be included in the Staff Report. Since this deadline is less than 24 hours from the Public Information Meeting, I shall miss this deadline but ask that these written comments still be taken into consideration when preparing the Staff Report. The Public Information Meeting gave a lot of previously unknown information on which I wish to comment.

The Application for a Zoning By-Law Amendment is actually for five (5) Zoning By-Law Amendments to set aside these By-Laws for reduced By-Law requirements.

- 1) Reduce the rear yard setback from 7.5 metres to 6.0 metres
- 2) Reduce the interior side yard from 3 metres to 2 metres
- 3) Reduce the aisles for bicycle parking from 1.5 metres to 1.2 metres
- 4) Reduce the snow storage area from 18.46 square metres to 17.0 square metres
- 5) Reduce the landscaped parking area from 1.5 metres to 0.3 metres

And a Special Exception to allow a maximum of 94 dwelling units per hectare

Since the submitted site drawing does not include the following dimensions, I ask that the City of Welland confirm these By-Law requirements.

City of Welland Zoning By-Law No. 2017-117 Section 6

6.1.6 (i) Ninety-degree parking spaces shall be 2.75 metres by 5.5 metres with a minimum 6.0 metre access aisle

6.7.2 (e) Bicycle parking spaces shall be a minimum of 0.6 metres by 1.8 metres

6.7.2 (h) Bicycle racks shall be provided for bicycle parking on a surface comprised of crushed stone, brick, asphalt or concrete.

6.7.2 (i) The provisions of this subsection shall only apply to the erection of a new building, redevelopment of a lot, or change in use.

We were told by the Agent for Niagara Planning Group that "Having the parking area on the south side gives good sight distance to the intersection". In fact, the sight line is very poor because the front site building actually blocks the view of the intersection which is situated on the north side of the front site building. If the parking area was on the north side of the site, vehicles exiting the parking area would then have an unobstructed view of the intersection on the north side of the site.

The facade of the front building is visually offensive. Horizontal siding with crude window treatments. Multiple stairways emphasize this obsolete style of housing. This proposed development does not compliment the surrounding neighborhood.

Looking at the submitted "Proposed Zoning By-Law Amendments" drawing, the Agent comments on each of their reasons for reducing the City of Welland By-Laws minimum requirements to get a reduced side yard, reduced bicycle parking size, reduced parking lot landscape buffer, reduced snow storage area and a reduced rear yard. We are given a plethora of reasons, excuses, a "combination of factors", etc., etc.

There is only one overriding reason for their need to alter these By-Laws. They are trying to squeeze this oversized development onto an undersized lot. No amount of spin doctoring can change the fact that, try as you might, you cannot cram a size 10 foot into a size 8 shoe.

There is an intrusion on our privacy from the balconies on the third level units. The height of the third levels units is not the complaint, the balconies are. I understand that some single family dwelling have a third floor, but they do not have balconies.

I have cancelled my swimming pool pending the decision on this development.

Mr. Mat Snieder has canvassed a petition against this proposed 24 unit development at 781 Clare Avenue. That petition is fifty (50) signatures strong and all from the surrounding home owners. There is no objection to developing 781 Clare Avenue but with a design that reflects an harmonious continuity within the existing landscape of the neighborhood. A development that is respectful of their privacy and their long standing quality of life. I respectfully ask that the City Council, the Planning Committee and each individual responsible for this decision give strong consideration to opinions of those fifty (50) home owners.

No matter how much spin doctoring Niagara HP Properties Inc. and the Niagara Planning Group put on this development, there is absolutely no way to deny the significant influence this triple stacked housing will have on the privacy and property values on each of the surrounding family homes.

I respectfully request that this correspondence be read at the Virtual Statutory Public Hearing on Tuesday, November 10,2020 at 7 P.M.

Sincerely,

Larry Foster

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Rachelle Larocque

From: Chris Paley - Builtup
Sent: November 16, 2020 10:03 AM
To: Rachelle Larocque
Cc: Mary Lou Tanner
Subject: 781 Clare Ave

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Hi Rachelle,

I wanted to follow-up from the public meeting and some of the comments provided by our neighbour to the south at 781 Clare. We would like to work with our neighbours as we move forward.

I noticed in their written comments they asked if we would be willing to do some tree or cedar plantings on their property. We would absolutely consider this with their approval. We will also do our best to ensure no garbage is blown about the neighbourhood and will ensure the site is kept as tidy as possible during construction. I do want to note that we are looking to move the current location of the Molok's as we proceed to site plan stage.

Thank you,

Chris Paley, BA (Econ), PQS, C.E.T., PLE
Partner

Niagara HP Properties Inc.
O. 905.378.3390 x227 C. 905.321.2718 F. 905.353.1105
4999 Victoria Ave, Niagara Falls, L2E 4C9

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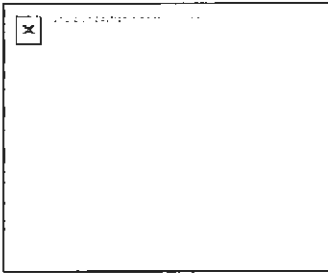
Rachelle Larocque

From: Ali Khan <ali.khan@welland.ca>
Sent: November 23, 2020 9:49 AM
To: Rachelle Larocque
Subject: RE: 781 Clare Rezoning & OPA - Comments

Hi Rachelle,

I have no comments to offer on this application.

Regards,



Muhammad Ali Khan, M.A.Sc; P.Eng.
Supervisor Traffic, Parking & Bylaws
Infrastructure and Development Services
Corporation of the City of Welland
60 East Main Street, Welland, Ontario L3B 3X4
Phone: (905)735-1700 Ext. 2202 Fax: (905)735-7184
www.welland.ca

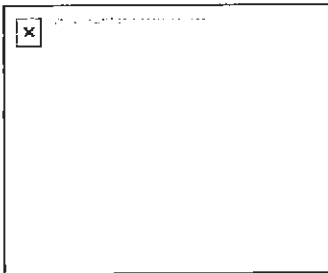


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From: Rachelle Larocque
Sent: November 23, 2020 9:04 AM
To: Jack Tosta <jack.tosta@welland.ca>; Ali Khan <ali.khan@welland.ca>; Scott Richardson <scott.richardson@welland.ca>; Matt Richardson <matt.richardson@welland.ca>
Subject: 781 Clare Rezoning & OPA - Comments

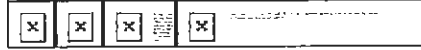
Good morning,

Just a reminder that I'm looking for comments for the attached applications.



Rachelle Larocque, BES, M.Sc., MCIP, RPP
Planning Supervisor
Planning Division
Infrastructure and Development Services
Corporation of the City of Welland
60 East Main Street, Welland, Ontario L3B 3X4
Hours: 8:30am-4:30PM
Phone: (905)735-1700 Ext. 2310 Fax: (905)735-8772

www.welland.ca

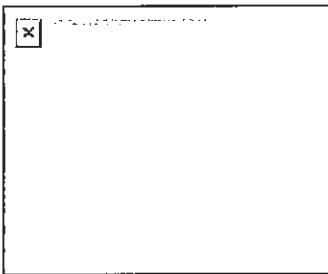


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Rachelle Larocque

From: Julie VanLeur <julie.vanleur@welland.ca>
Sent: November 23, 2020 10:13 AM
To: Rachelle Larocque
Cc: Scott Richardson
Subject: FW: 781 Clare Rezoning & OPA - Comments
Attachments: Site Plan.pdf; 781 Clare Ave Rezoning Notice of Public Meeting 15Oct-2020.pdf; 781 Clare Avenue Official Plan Amendment Notice of Public Meeting 15Oct-2020.pdf

Correction to comment below. Sorry about that.



Julie VanLeur
 Engineering Technician - Development
 Infrastructure and Development Services
 Engineering Division
 Corporation of the City of Welland
 60 East Main Street, Welland, Ontario L3B 3X4
Phone: (905)735-1700 Ext. 2320 **Fax:** (905)735-7184
www.welland.ca



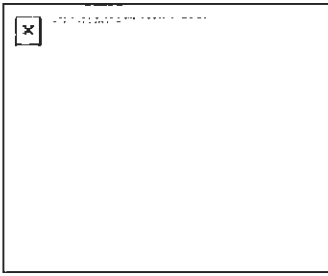
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From: Julie VanLeur
Sent: November-23-20 9:59 AM
To: Rachelle Larocque <rachelle.larocque@welland.ca>
Cc: Scott Richardson <scott.richardson@welland.ca>
Subject: FW: 781 Clare Rezoning & OPA - Comments

Hi Rachelle,

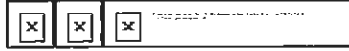
Engineering has reviewed the attached plan for the development. The proposed storm connection from the existing maintenance hole is not acceptable. Developer will be required to extend the storm sewer along Clare Avenue, to front the proposed development, or provide an acceptable alternative for Engineering to review.

Best Regards,



Julie VanLeur

Engineering Technician - Development
Infrastructure and Development Services
Engineering Division
Corporation of the City of Welland
60 East Main Street, Welland, Ontario L3B 3X4
Phone: (905)735-1700 Ext. 2320 Fax: (905)735-7184
www.welland.ca

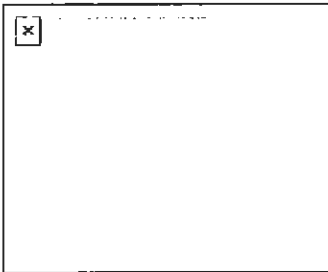


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From: Rachelle Larocque <rachelle.larocque@welland.ca>
Sent: November 23, 2020 9:04 AM
To: Jack Tosta <jack.tosta@welland.ca>; Ali Khan <ali.khan@welland.ca>; Scott Richardson <scott.richardson@welland.ca>; Matt Richardson <matt.richardson@welland.ca>
Subject: 781 Clare Rezoning & OPA - Comments

Good morning,

Just a reminder that I'm looking for comments for the attached applications.




Rachelle Larocque, BES, M.Sc., MCIP, RPP

Planning Supervisor
Planning Division
Infrastructure and Development Services
Corporation of the City of Welland
60 East Main Street, Welland, Ontario L3B 3X4
Hours: 8:30am-4:30PM
Phone: (905)735-1700 Ext. 2310 Fax: (905)735-8772
www.welland.ca



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APPROVALS	
GENERAL MANAGER	
CFO	
CAO	

COUNCIL**INFRASTRUCTURE AND DEVELOPMENT SERVICES**

REPORT P&B-2020-70
DECEMBER 1, 2020

20-119

**SUBJECT: REQUEST FOR EXTENSION TO DRAFT PLAN
APPROVAL – FUSION HOMES PHASES 2 & 3 – 1695525
ONTARIO INC. (FILE 26T-14-10002) SOUTH OF FORKS
ROAD, EAST OF KINGSWAY AND WEST OF THE
WELLAND BY-PASS CANAL**

**AUTHOR: RACHELLE LAROCQUE, B.E.S, M.Sc., MCIP, RPP
PLANNING SUPERVISOR**

**APPROVING SUPERVISOR: GRANT MUNDAY, B.A.A., MCIP, RPP
MANAGER OF DEVELOPMENT APPROVALS**

**APPROVING G.M.: TRAVERS FITZPATRICK
GENERAL MANAGER,
INFRASTRUCTURE AND DEVELOPMENT SERVICES**

RECOMMENDATIONS:

THAT THE COUNCIL OF THE CITY OF WELLAND approves an Extension to Draft Plan Approval for the Fusion Homes Subdivision Phases 2 & 3 (File: 26T-14-10002) for an additional two (2) years to January 15, 2023; and,

That Welland City Council approves a policy amendment to allow for Fusion Homes Phases 2 & 3 to be provided with an Extension to Draft Plan of Subdivision Approval for two (2) years which exceeds the one (1) year extension provided through Policy SER-012-0014.

ORIGIN AND BACKGROUND:

The Fusion Homes Subdivision (File: 26T-14-10002) originally consisted of a 200 to 215 residential unit subdivision that will be made up of seven (7) lots for single-detached dwellings, seven (7) blocks for between 143 to 158 single-detached dwellings, two (2) blocks for approximately fifty (50) semi-detached dwellings, three (3) blocks for open space, and two (2) blocks for walkways. Phase 1, being comprised of seven (7) lots was registered in October, 2018. Phase 2, being a Plan of Condominium, was given Draft Plan Approval on November 10, 2020 by Welland City Council. Phase 3 consists of 143-158 single detached and 50 semi-detached dwellings with access onto Kingsway has not been registered, and therefore will need to be extended, or it will lapse.

The applicant has requested that Draft Plan approval be provided for an additional two (2) years, despite Policy SER-012-0014 which only permits extensions to Draft Plan Approval

to be provided for up to one year. In order to allow for a two year extension to Draft Plan Approval, an amendment to the policy is also required.

COMMENTS AND ANALYSIS:

Draft Plan Approval is scheduled to lapse on January 15, 2021. Staff was provided with a request for Extension of Draft Plan Approval on October 30, 2020. The applicant has outlined that they have registered Phase 1 of the development, and Phase 2 would be moving forward to Council for approval in November. The Phase 2 condominium was subsequently approved by Council on November 10, 2020. The applicant has identified that their engineering consultants have been in contact with the City's Engineering Division to discuss the inflow and infiltration issues within Dain City which impacts the sanitary servicing system. Given that it may take some time for improvements to the system to be completed, an extension of two years has been requested. This will enable the City to undertake any improvements and modifications to the system that are required to reduce the amount of water entering the sanitary system, resulting in basement flooding and back-ups during peak rain events. This will allow the applicant time to ensure that their stormwater modelling and grading plans for the final phases.

In accordance with the Memorandum of Understanding amongst the local municipalities, Niagara Region and the Niagara Peninsula Conservation Authority (NPCA), all requests for Extensions to Approvals of Draft Plans of Subdivision are to be circulated to the Region and NPCA for comment. This is to ensure that any Conditions of Draft Plan Approval comply with current policies.

At the time of writing this report, comments from the NPCA and the Region have not been received.

The intent of the draft plan approval extension policy was to ensure that approved developments moved forward over time rather than sitting idle. The Owner has developed Phase 1 of the Subdivision, is in the process of developing Phase 2 and are working on meeting the conditions of approval for Phase 3. In this case the extension seems appropriate.

FINANCIAL CONSIDERATION:

All costs associated with the development of this property will be borne by the Developer.

OTHER DEPARTMENT IMPLICATIONS:

There are no implications to other Departments related to this request for Extension of Draft Plan Approval.

SUMMARY AND CONCLUSION:

Staff recommends a two (2) year extension to the Fusion Homes Draft Plan Approval to January 15, 2023.

ATTACHMENTS:

- Appendix I - Key Map
- Appendix II - Request for Draft Plan Extension

FUSION

HOMES

October 30, 2020

Manager of Development Planning
 Planning Division
 Infrastructure and Development Services
 Corporation of the City of Welland
 60 Main Street East
 Welland, ON, L3B 3X4

Dear Mr. Munday:

**Re: 26T-14-10002 Draft Plan Approved Subdivision Extension Request Part Lots 25, 25, & 26,
 Concessions 4 & 5, City of Welland, Regional Municipality of Niagara**

Fusion Homes is the owner of the above-noted Draft Approved Subdivision, which was approved by the Ontario Municipal Board and given Draft Plan Approval effective from January 15th, 2014. This approval has since been extended and is due to expire on January 15th, 2021.

The Draft Plan of Subdivision permits the development of seven (7) lots for single detached dwellings, seven (7) blocks for approximately 143-158 single detached dwellings, two (2) blocks for approximately fifty (50) semi-detached dwellings (for a total of 200-215 residential units), three (3) open space blocks and two (2) blocks for walkways along with the associated roadways.

Over the past number of years, we have been working diligently with City staff and have achieved significant progress on the subdivision. Phase 1 of the subdivision is now registered. The Phase 2 Condominium Plan application was submitted on February 18th, 2020. Despite COVID-19 putting a brief pause on all public meetings until municipalities shifted to a virtual system, Fusion Homes has made good progress on this application and it is projected to come to Council for Draft Approval in November 2020.

With respect to Phase 3, it is our understanding that the City of Welland is in the process of conducting necessary studies to inform required upgrades to the Dain City's sewer system and address issues related to ongoing inflow and infiltration into the sanitary servicing system. The servicing and development of Phase 3 is dependent on these upgrades and as such the timelines for the two projects are closely related. Our current understanding is that studies are underway, with Regional and City work to take place through 2021. The 2 year extension would allow Fusion Homes to complete detailed servicing and grading design, and service the site in 2022 once the inflow and infiltration issues in Dain City have been addressed.

Through discussions with City staff and engineering consultants, it was determined that the result of the studies and subsequent servicing upgrades will likely not be complete for upwards of two years. As such, Fusion Homes is requesting the support of Council for a two (2) year extension of Draft Plan Approval. This should allow the City to complete necessary work needed to inform the development availability of the Phase 3 lands, while allowing Fusion Homes and our consulting team to complete detailed design of Phase 3.

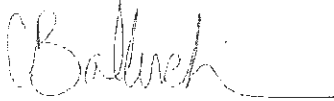
We have also written to the Region of Niagara requesting the two (2) year extension of this Draft Plan Approval. The above-noted development timeline further supports our request for extension of our Draft Plan Approval to January 15th, 2023.

We have provided under this cover, a cheque in the amount of \$2653, plus \$107 per block to cover the City's Draft plan extension fee for a total of \$3,937. The applicable fee for the Region of Niagara in the amount of \$1,300 will also be provided under separate cover.

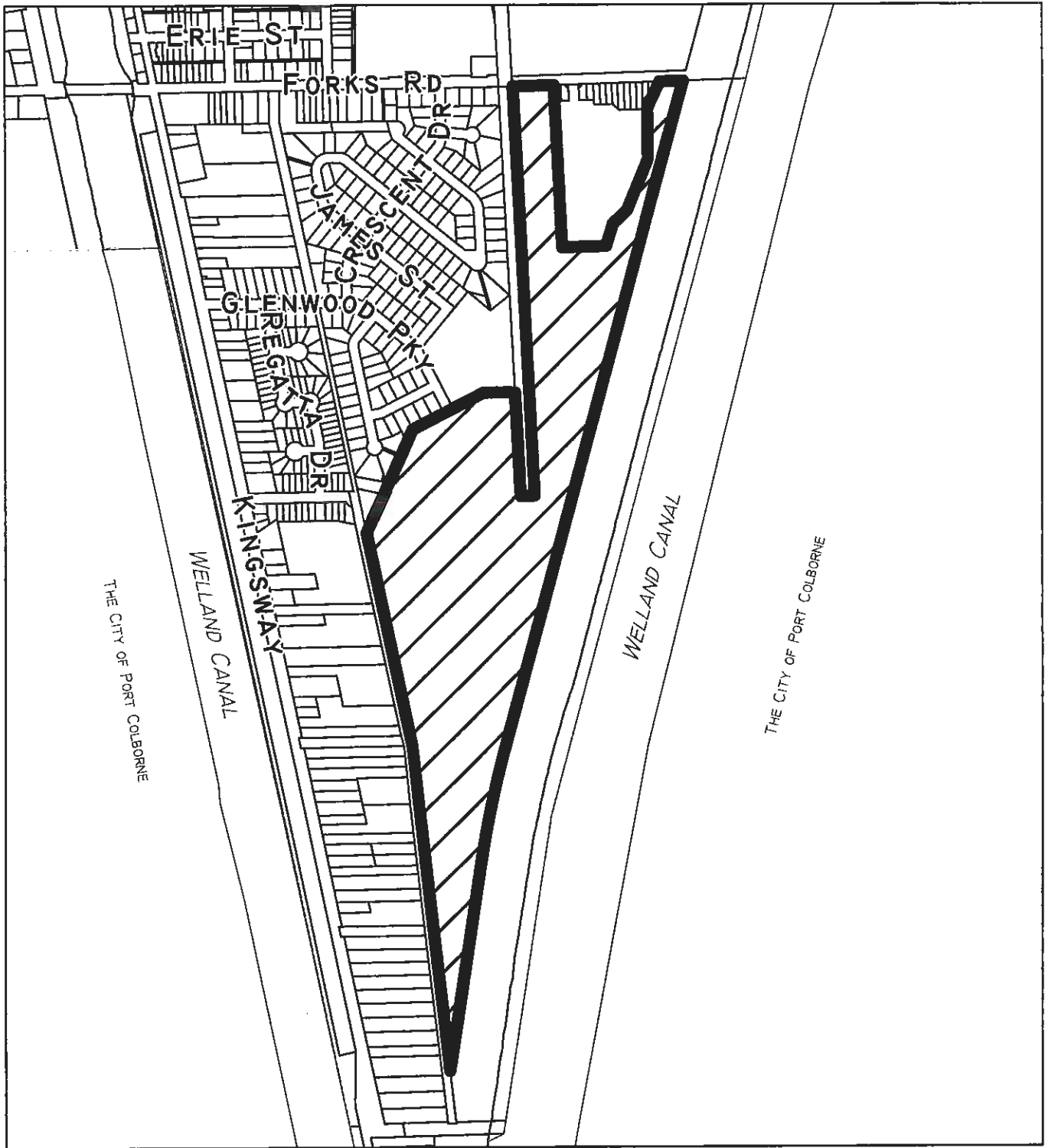
We appreciate your cooperation and assistance in this matter and look forward to our continued working relationship with Council and City staff to bring our subdivision to completion.

Please let me know if you have any questions regarding our request.

Sincerely,



Charlotte Balluch



KEY MAP

26T-14-10002




SUBJECT LANDS



Infrastructure and
Development Services
Planning Division

COUNCIL
CORPORATE SERVICES
FINANCE DIVISION

APPROVALS	
GENERAL MANAGER	
CFO	
CAO	

REPORT FIN-2020-19
DECEMBER 1, 2020

20-4

SUBJECT: APPLICATION FOR TAX WRITE-OFFS - SECTIONS 357/358

**AUTHOR: JANET FERLAND,
TAX SPECIALIST**

**APPROVING
SUPERVISOR: MICHAEL LOSTRACCO, CPA, CMA
REVENUE SERVICES MANAGER**

**APPROVING
G.M.: STEVE ZORBAS, CPA, CMA, B.Comm, DPA,
GENERAL MANAGER, CORPORATE SERVICES, CHIEF FINANCIAL
OFFICER/TREASURER**

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND approves the write-off of taxes in the amount of \$26,694.57 as contained in Report FIN-2020-19 for the reduction or cancellation of taxes, pursuant to Sections 357 and 358 of *The Municipal Act, 2001*.

ORIGIN AND BACKGROUND:

Sections 357 and 358 provide for the cancellation, reduction or refund of taxes for conditions such as demolition, fires, class changes, errors, etc.

COMMENTS AND ANALYSIS:

Throughout the year, properties experience situations which may lead to assessment reductions. Property owners then file appeals to the Municipal Property Assessment Corporation (MPAC).

Some of the common reasons a property may experience a reduction under Sections 357 and 358 are as follows:

- ***Became Exempt*** – This situation occurs when a property is purchased by an organization that is exempt from property taxes. (City, Region, School Board)

- **Gross or Manifest Error** – Error or change to assessment roll by MPAC which may result from a clerical or factual error, such as transposition of figures, typographical error or creation of roll in error.
- **Demolition** – Property or part of property demolished.
- **Fire** – Property or part of property destroyed by fire.
- **Ceased to be liable to be taxed at rate it was taxed** – As a result of a change of event during the taxation year such as change in the use of land; an act or omission resulting in land ceasing to be in a class of property; a property is eligible to be reclassified in a different class of real property eg. Commercial to Residential.

Recommendations contained in the report are those approved by MPAC.

Appellants requesting adjustments other than those recommended in the report:

**have the right to appeal directly to the A.R.B. (Assessment Review Board)
within 35 days after Council makes its decision.**

Subsequent to Council approval, notices of decision are mailed to applicants advising them of reduction or cancellation granted and status of the tax account.

FINANCIAL CONSIDERATION:

In the normal course of operations, the City processes two or three groups of 357/358 applications throughout the year. The funds allocated in the tax write-off account accommodate these adjustments.

OTHER DEPARTMENT IMPLICATIONS:

Not applicable.

SUMMARY AND CONCLUSION:

Approving the write-off of taxes in the amount of \$26,694.57 as contained in Report FIN-2020-19, is pursuant to Sections 357 and 358 of *The Municipal Act, 2001*.

ATTACHMENTS:


Appendix I – Application to the Council for Adjustment of Taxes for the City of Welland Under Sections 357/358 of *The Municipal Act, 2001*

**APPLICATION TO THE COUNCIL FOR ADJUSTMENT OF TAXES FOR THE CITY OF WELLAND
 UNDER SECTIONS 357/358 OF THE MUNICIPAL ACT, 2001**

<u>APPLIC. NO.</u>	<u>ROLL NUMBER</u>	<u>ASSESSMENT ADJUSTMENT</u>	<u>TAX RATE</u>	<u>DOLLAR ADJUSTMENT</u>	<u>REASON</u>
17-24	030-001-08300-0000	(45,500)	0.03663230	-1,666.77	Classification Change
17-24	030-001-08300-0000	45,500	0.01613795	734.28	Classification Change
17-26	060-002-11200-0000			No Change	Gross or Manifest Clerical Error
17-27	060-002-11200-0000			No Change	Became Exempt
18-39	060-002-11200-0000			No Change	Gross or Manifest Clerical Error
18-41	060-003-05100-0000			No Change	Gross or Manifest Clerical Error
18-41-1	060-002-11200-0000	(547,000)	0.01589094	-8,692.34	Became Exempt
18-42	060-002-08200-0000	(129,701)	0.01589094	-2,061.07	Demolition/Razed by Fire
19-26	060-003-05100-0000			No Change	Gross or Manifest Clerical Error
19-26-1	050-015-30091-0000			No Change	Classification Change
19-27	060-003-08200-0000	(133,350)	0.01599419	-2,132.83	Demolition/Razed by Fire
20-08	050-009-02300-0000	(98,000)	0.01600192	-989.76	Damaged by Fire
20-10	060-003-05100-0000			No Change	Gross or Manifest Clerical Error
20-10-1	050-015-30091-0000	(243,000)	0.03490732	-8,181.19	Classification Change
20-10-1	050-015-30091-0000	243,000	0.01600192	3,750.35	Classification Change
20-11	060-002-08200-0000	(137,000)	0.01600192	-2,192.26	Demolition/Razed by Fire
20-12	010-005-28701-0000	(368,000)	0.03490732	-12,845.89	Demolition/Razed by Fire
20-12	010-005-28701-0000	277,000	0.02737512	7,582.91	Demolition/Razed by Fire

(26,694.57)

COUNCIL
CORPORATE SERVICES
FINANCE DIVISION

APPROVALS	
GENERAL MANAGER	
CFO	
CAO	

20-4
REPORT FIN-2020-20
December 1, 2020

SUBJECT: MUNICIPAL ACT REGULATION 284/09 AND PUBLIC SECTOR ACCOUNTING

**AUTHOR: ELIZABETH PANKOFF, MBA, CPA, CGA,
MANAGER OF BUDGETS AND FINANCIAL REPORTING/DEPUTY
TREASURER**

**APPROVING G.M.: STEVE ZORBAS, CPA, CMA, B.Comm, DPA,
INTERIM CAO / GENERAL MANAGER, CORPORATE SERVICES,
CHIEF FINANCIAL OFFICER / TREASURER**

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND approves the exclusion of amortization and post-employment benefit expenses from the 2021 Budgets.

ORIGIN AND BACKGROUND:

The City's annual budget is prepared based on a 'cash basis' of accounting. Key outcomes of the annual budget are the tax and water/wastewater rates which Council is asked to approve. The *Municipal Act, 2001*, requires that financial statements and budgets be prepared in accordance with Generally Accepted Accounting Principles (GAAP) and these principles would require the inclusion of asset amortization and post-employment benefit expenses in the City's budget. The *Municipal Act, 2001*, does not mandate that budgets be prepared on an accrual basis. In fact, the majority of municipalities continue to prepare cash-based budgets.

Ontario Regulation 284/09 allows municipalities and local boards to exclude amortization expenses and post-employment benefit expenses from the budget; however, this does require that Council approves the exclusion of these expenses from the annual budget.

COMMENTS AND ANALYSIS:

The full accrual accounting practices followed by municipalities consider the minimum level of funding to cover operating expenses, interest expense, debt, and amortization of tangible capital assets. Currently, the City is meeting its current expenses but needs to do a better job at adequately planning for the future. The sustainable level of revenue should account for current period expenses as well as future capital investment requirements.

FINANCIAL CONSIDERATION:

The following analysis displays the City's estimated spending surplus/(deficit) with regards to its tangible capital assets:

Assets	Historical Cost as of December 31, 2019	Estimated Replacement Cost (AMP)	Estimated 2021 Amortization	2021 Capital Spending*	Sustainable Annual Spending** (AMP)	Spending Surplus/ (Deficit)***
	\$446 M	\$1,146 M	\$11.8M	54 M	\$35 M	\$19 M

* 2021 Capital Budgets

** Sustainable Annual Spending is based on the City's AMP which recommends a minimum capital investment of \$35 m.

*** Spending Surplus/(Deficit) is calculated as capital spending less sustainable annual spending

Based on the estimated replacement cost of \$1,146.0 million reported in the City's 2016 Addendum to the Asset Management Plan (AMP) of 2015, an annual sustainable spending level to ensure that the City's assets are replaced and redeveloped in a timely manner would be approximately \$35 million. Reviewing the 2021 capital spending of \$54 million, it is \$19 million above the annual sustainable spending level of \$35 million. However, the 2021 capital budget includes approximately \$17.5 million for capital projects that are funded by a Memorandum of Understanding-Empire Communities, \$2.8 million for the construction of Fire Station 1 Training Center and \$1.3 for the Transit Facility additional funding.

The City's tangible capital asset spending requirements, funding requirements, and capital financing policies require further refinement to achieve the annual sustainable spending level. With the completion of the City's 2016 Addendum to the Asset Management Plan (AMP) of 2015 and the recommendations by BMA Consulting Inc. during the City's service delivery review to develop an asset management funding strategy, review of capital funding will be a priority in the execution of the 10-year budget cycle.

The Public Sector Accounting Board (PSAB) does not require liabilities associated with post-employment benefits to be fully funded by setting aside any portion of the accumulated surpluses as reserves or reserve funds. At the end of 2019, the City had approximately \$8 million of post-employment liabilities. The City's annual operating budget includes expenses for expected payments for retirement plans, sick leave benefit plans, long-term disability plans, WSIB, and vacation agreements.

OTHER DEPARTMENT IMPLICATIONS:

Not applicable.

SUMMARY AND CONCLUSION:

Staff recommends that Council approves the exclusion of amortization expenses and post-employment benefit expenses from the 2021 Budgets.

ATTACHMENTS:

Appendix I – The *Municipal Act, 2001*, Ontario Regulation 284/09, Budget Matters – Expenses

**Municipal Act, 2001
Loi de 2001 sur les municipalités**

**ONTARIO REGULATION 284/09
BUDGET MATTERS — EXPENSES**

Consolidation Period: From July 31, 2009 to the e-Laws currency date.

No amendments.

This Regulation is made in English only.

Exclusion

1. In preparing the budget for a year, a municipality or local board may exclude from the estimated expenses described in paragraph 3 of subsection 289 (2) and in paragraph 3 of subsection 290 (2) of the Act all or a portion of the following:

1. Amortization expenses.
2. Post-employment benefits expenses.
3. Solid waste landfill closure and post-closure expenses. O. Reg. 284/09, s. 1.

Report

2. (1) For 2011 and subsequent years, the municipality or local board shall, before adopting a budget for the year that excludes any of the expenses listed in section 1,

- (a) prepare a report about the excluded expenses; and
- (b) adopt the report by resolution. O. Reg. 284/09, s. 2 (1).

(2) If a municipality or local board plans to adopt or has adopted a budget for 2010 that excludes any of the expenses listed in section 1, the municipality or local board shall, within 60 days after receiving its audited financial statements for 2009,

- (a) prepare a report about the excluded expenses; and
- (b) adopt the report by resolution. O. Reg. 284/09, s. 2 (2).

Contents

3. A report under section 2 shall contain at least the following:

1. An estimate of the change in the accumulated surplus of the municipality or local board to the end of the year resulting from the exclusion of any of the expenses listed in section 1.
2. An analysis of the estimated impact of the exclusion of any of the expenses listed in section 1 on the future tangible capital asset funding requirements of the municipality or local board. O. Reg. 284/09, s. 3.


Review

4. The Ministry of Municipal Affairs and Housing shall initiate a review of this Regulation on or before December 31, 2012. O. Reg. 284/09, s. 4.

5. OMITTED (PROVIDES FOR COMING INTO FORCE OF PROVISIONS OF THIS REGULATION). O. Reg. 284/09, s. 5.

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COUNCIL
CORPORATE SERVICES
FINANCE DIVISION

APPROVALS	
GENERAL MANAGER	
CFO	
CAO	

REPORT FIN-2020-21
DECEMBER 1, 2020

20-4

SUBJECT: TEMPORARY BORROWING – 2021

**AUTHOR: ELIZABETH PANKOFF, MBA, CPA, CGA,
MANAGER OF BUDGETS AND FINANCIAL REPORTING/DEPUTY
TREASURER**

**APPROVING G.M.: STEVE ZORBAS, CPA, CMA, B.Comm, DPA,
INTERIM CAO / GENERAL MANAGER, CORPORATE SERVICES,
CHIEF FINANCIAL OFFICER / TREASURER**

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND authorizes the Chief Financial Officer/Treasurer to borrow, on an interim basis, up to \$9,000,000 to meet current and capital expenditures for the year 2021 while awaiting permanent funding by way of taxation, water, and sewer billings, provincial/federal grants, and regional debentures; and further

THAT Welland City Council directs the City Clerk to prepare the necessary By-law.

ORIGIN AND BACKGROUND:

Annually, the City of Welland passes a By-law to allow the Chief Financial Officer/Treasurer to temporarily borrow funds while awaiting funding.

COMMENTS AND ANALYSIS:

During the course of the year, the City has occasionally required short-term operating borrowings, sometimes for as little as one day, while awaiting tax or water payments, which generally arrive on or very close to due dates. The reason such a high borrowing limit is required is that individual payments can be in the millions of dollars, i.e. each regional levy is approximately \$9,000,000.

In addition to operating expenditures, the municipality must provide temporary or bridge financing for capital projects while awaiting tax payments, provincial/federal grants, and regional debenture issues, which normally occur once a year in the early summer.

FINANCIAL CONSIDERATION:

The 2021 Budget includes \$0 to accommodate interest charges.

OTHER DEPARTMENT IMPLICATIONS:

Not applicable.


SUMMARY AND CONCLUSION:

Although every effort is made to minimize borrowing positions, situations invariably arise where it is unavoidable. The recommendation addresses these situations.

ATTACHMENTS:

None.

COUNCIL
CORPORATE SERVICES
FINANCE DIVISION

APPROVALS	
GENERAL MANAGER	
CFO	
CAO	

99-99

REPORT FIN-2020-24
DECEMBER 1, 2020

SUBJECT: RFP20-11 CYCLING, WALKING AND CITY RECREATIONAL TRAILS 20 YEAR MASTER PLAN

AUTHOR: VICKI LAFFORD-FIELD, PURCHASING AGENT

**APPROVING G.M.: STEVE ZORBAS, CPA, CMA, B.Comm, DPA,
 INTERIM CAO / GENERAL MANAGER, CORPORATE SERVICES, CHIEF FINANCIAL OFFICER / TREASURER**

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND approves the award to WSP Canada Group Ltd. for RFP20-11 Cycling, Walking and City Recreational Trails 20-Year Master Plan. This recommended firm was the highest scoring proponent and competitively priced; and further

THAT Welland City Council directs the City Clerk to prepare all necessary and appropriate by-laws to enter into an agreement with WSP Group Canada Ltd.

ORIGIN AND BACKGROUND:

RFP20-11 requested qualified consultant teams to propose methodology to prepare for a 20-year Cycling, Walking and City Recreational Trails Master Plan including but not limited to the following visions;

- A vision for development of a fully integrated and linked trail system connecting the City's parks and open spaces as well as outer reaches
- Strategy and recommendations to develop new and noteworthy recreational amenities within the Recreational Corridor, providing a mixture of public and private recreational offerings, facilities, services, and amenities such as restroom areas and trail lighting
- Recommendations for improvements to existing off-road pedestrian and cycling trails, including address of missing links and right-sizing pathways to accommodate biking, walking, or increased use
- Parking requirement improvements along entire canal system
- Identify and pursue funding opportunities to expand the scope and impact of the Cycling, Walking and City Recreational Trails 20-Year Master Plan, including partnerships with organizations such as Share the Road, Ontario Trails Council, Waterfront Regeneration Trust, etc.

- Comprehensive vision for integrating 20-year Master Plan with existing recreational facilities and programs, including Summer Concert series, Merritt Park Amphitheatre, Welland Boat Rental Program, "Vista Park", and "Canalside Multiplex"
- Consideration of new pedestrian bridge across waterways

COMMENTS AND ANALYSIS:

The RFP document was issued competitively on Biddingo and four proposals were received. The technical evaluation team was completed by Richard Dalton, Grant Munday, Amanda Degazio, and Peter Boyce (staff from Recreation & Culture Division, Planning Division, Infrastructure and Development Services, and Parks Division). From the technical and financial analysis, WSP Canada Group Ltd. was the high scoring proponent. An interview was conducted to review the short-listed proponent's ability to demonstrate their skills and experience for a successful project. References from similar public organizations were also called to verify WSP's capability to meet scope, timelines, and budget. The outcome of this interview process was favourable in recommending WSP to perform this work.

FINANCIAL CONSIDERATION:

The fees to conduct this work from WSP Canada Group Ltd. totals \$50,819, inclusive of 1.76% of the City's portion of HST.

Funding Breakdown:

2020 Capital Budget	Amount
Concept Plan for Recreational Canal & Waterway -10-447-20702	\$200,000 Funded By Cost Sharing and City, split 50/50

OTHER DEPARTMENT IMPLICATIONS:

Staff will liaise with other departments impacted by the Master Plan: Recreation & Culture Division, Planning Division, Infrastructure and Development Services, and Parks Division for a successful project.

SUMMARY AND CONCLUSION:


THAT THE COUNCIL OF THE CITY OF WELLAND approves the above recommendation for selecting WSP Canada Group Ltd. for the provision of the Cycling, Walking and City Recreational Trails 20-Year Master Plan as the proponent received the highest scores from the evaluation team; and further

THAT Welland City Council directs the City Clerk to prepare all necessary and appropriate by-laws to enter into an agreement with WSP Canada Group Ltd.

ATTACHMENTS:

None

COUNCIL
CORPORATE SERVICES – CLERKS DIVISION

APPROVALS	
GENERAL MANAGER	
CFO	
CAO	

REPORT CLK-2020-24
DECEMBER 1, 2020

09-104

SUBJECT: AMENDMENT TO THE TERMS OF REFERENCE FOR THE
AUDIT REVIEW COMMITTEE

AUTHOR: TARA STEPHENS, CITY CLERK

APPROVING G.M.: STEVE ZORBAS, INTERIM CAO/GENERAL MANAGER,
CORPORATE SERVICES, CFO/TREASURER

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information staff report CLK-2020-24: Amendment to the Terms of Reference for the Audit Review Committee; and further

THAT Welland City Council approves the amendment to the Audit Review Committees Terms of Reference included in "Appendix A", to remove the Human Resources Chair from the membership.

ORIGIN AND BACKGROUND:

The Audit Review Committee was created to oversee and examine how management fulfills their duties in relation to financial reporting, internal controls and compliance with laws and regulations. The committee is responsible to Council for all audit issues including those identified by the external auditor in the management letter. The Audit Review Committee will report and make recommendations to Council when necessary.

COMMENTS AND ANALYSIS:

On October 6, 2020, Welland City Council approved a motion that the composition of the Human Resources Committee include all members of council. All matters that would normally be considered by the Human Resources Committee will be presented to Council as a whole during council meetings (open and closed session) when required.

With the approved changes to the Human Resources Committee, staff is recommending the Terms of Reference for the Audit Review Committee be amended to reflect the changes to the Human Resources Committee composition, and the Human Resources Chair be eliminated from the member list.

FINANCIAL CONSIDERATION:

N/A

OTHER DEPARTMENT IMPLICATIONS:

CLT has reviewed and support the recommendation.

SUMMARY AND CONCLUSION:

This staff report has been prepared to recommend amending the Terms of Reference for the Audit Review Committee.

ATTACHMENT:

Appendix I – City of Welland Audit Review Committee Terms of Reference.

APPENDIX I**CITY OF WELLAND
AUDIT REVIEW COMMITTEE (ARC)
TERMS OF REFERENCE****Purpose**

The City of Welland Audit Review Committee (ARC) shall promote an appropriate environment for the management of public funds by overseeing the administrative systems relating to accounting, reporting, internal controls, protecting corporate assets and ensuring compliance with laws, regulations and municipal policies.

Members

- Corporate Services Chair
- Integrated Services Chair
- Vice Mayor
- Mayor (ex-officio)

The Vice Mayor assumes the role of the Chair.

Staff Contacts

- Chief Administrative Officer
- General Manager, Financial & Corporate Services/Treasurer

Duties and Functions

Management is directly responsible for the financial reporting, internal controls and compliance with laws and regulations for the municipality. The responsibility of the Audit Review Committee is to oversee and examine how management fulfills these duties. The Audit Review Committee is responsible to Council for all audit issues including those identified by the external auditor in the management letter. The Audit Review Committee will report and make recommendations to Council when necessary.


Frequency of Meetings

Meetings will be held quarterly or as required.

Term of Appointment

The term of appointment shall coincide with term of Council or until reappointed.

COUNCIL
CORPORATE SERVICES – CLERKS DIVISION

APPROVALS	
GENERAL MANAGER	
CFO	
CAO	

REPORT CLK-2020-25
DECEMBER 1, 2020

07-10

SUBJECT: NOMINATING COMMITTEE

AUTHOR: TARA STEPHENS, CITY CLERK

**APPROVING G.M.: STEVE ZORBAS, INTERIM CAO/GENERAL MANAGER,
CORPORATE SERVICES, CFO/TREASURER**

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information staff report CLK-2020-25: Nominating Committee; and further THAT Welland City Council approve the dissolving the Nominating Committee.

ORIGIN AND BACKGROUND:

The Nominating Committee was established in 2007 and is responsible for determining from the members of council their interests to serve as an appointee of council, as required, from time to time. When nominees had been determined, the Nominating Committee would call a public meeting to be attended by all member of Council. At the meeting the Nominating Committee present its findings and request the members of Council in attendance to confirm, add to, and/or vote (if necessary) on the slate of candidates. The outcome of the Nominating Committee meeting would then be recommended to Council for ratification.

COMMENTS AND ANALYSIS:

The Nominating Committee is responsible for recommendations only. All appointments are forwarded to Council for consideration and approval. The Nominating Committee process is a step that is not required to be completed. It is recommended that any council appointments be presented to council, instead of the current Nominating Committee process.

If the recommendation to dissolve the Nominating Committee is approved, the appointment process will be more open and transparent as council appointments will be considered during open session at council meetings.

FINANCIAL CONSIDERATION:

N/A

OTHER DEPARTMENT IMPLICATIONS:

CLT has reviewed and support the recommendation.

SUMMARY AND CONCLUSION:

This staff report has been prepared to recommend dissolving the Nominating Committee.

ATTACHMENT:

N/A

ACCESSIBILITY ADVISORY COMMITTEE REQUEST

The Accessibility Advisory Committee had a virtual meeting on October 15th, 2020 and passed a motion requesting that the City approve an amendment to the Committee's Terms of Reference as it pertains to **Section 5, 'Membership Selection and Term'**.

The motion was to change the wording of **Section 5.5: from** 'Members shall be appointed for a four (4) year term concurrent with the term of Council.', **to** 'Members shall be appointed for a four (4) year term or until a successor has been appointed.'

This amendment would accomplish two things:

1. Bring the TORs into alignment with the letter of appointment sent by the City to members, and:
2. Avoid a repetition of the extended period of time that Welland did not have an Accessibility Advisory Committee after the last election.

The motion read as follows:

THAT THE COUNCIL OF THE CITY OF WELLAND approves the amendment of section 5.5 of the Terms of Reference of the Accessibility Advisory Committee to read "Members shall be appointed for a four (4) year term or until a successor has been appointed".

Respectfully submitted,

Kathleen Adams

Chair, AAC

02-85



PORT COLBORNE

CITY OF PORT COLBORNE

Municipal Offices
66 Charlotte Street
Port Colborne, Ontario
L3K 3C8
www.portcolborne.ca

Corporate Services Department, Clerk's Division

November 5, 2020

Ann-Marie Norio
Regional Clerk, Niagara Region
1815 Sir Isaac Brock Way
Thorold, ON L2V 4T7

Sent via E-mail

Dear Ms. Norio:

Re: Resolution – Designating the Vulnerable Aquifer Schedule B of Official Plan as a Source Water for Rural Residents of Port Colborne

Please be advised that, at its meeting of October 26, 2020, the Council of The Corporation of the City of Port Colborne resolved as follows:

That Council recognizes the Aquifer as identified in Schedule B3 of the Official Plan as a source water for the rural residents of the City; and

That the Director of Planning and Development be directed to amend the Official Plan to include the Aquifer such that the Aquifer receives the same consideration and protection from susceptible threats of contamination or adverse impact as the intake protection zones (IPZ-1 and IPZ-2); and

That the Region of Niagara, Township of Wainfleet, City of Welland, Town of Fort Erie and Niagara Peninsula Conservation Authority be notified of the City's action and be requested to pursue similar updates to their municipal planning documents in order to protect the aquifer.

A copy of the above noted resolution is enclosed for your reference. Your favourable consideration of this request is respectfully requested.

Sincerely,

Amber LaPointe
City Clerk

Encl.

ec: Township of Wainfleet, City of Welland, Town of Fort Erie, and Niagara Peninsula Conservation Authority



PORT COLBORNE

Memorandum

To: Mayor Steele and Members of Council

From: Councillor Harry Wells

Date: October 26, 2020

Re: **Designating the Vulnerable Aquifer Schedule B3 of Official Plan as a source water for rural residents of Port Colborne**

The City has received a significant number of requests from citizens urging and pleading the decision makers for the City to protect the vulnerable aquifer identified in Schedule B3 of the City's Official Plan (OP). The rural community of Port Colborne and other settlements in Ontario and New York state depend on this same aquifer to supply them their everyday need for fresh consumable water.

We are surrounded by high quality fresh water and because of this many of us take it for granted until we turn on the tap and no water comes out or the water that does come out is not suitable for consumption. A mere 0.014% of all water on Earth is both fresh and easily accessible with 97% of the remaining water being saline, and a little less than 3% being difficult to access. We are so fortunate to have this quality and quantity of fresh water and we as decision makers for the City are accountable to make the appropriate decision to protect it. This Council has to take the lead in acknowledging that water is a scarce and precious resource and that protecting the quality of the aquifer is a necessity, not an option.

The Provincial Policy Statement (PPS) calls for the protection of resources, public health and safety, and the quality of the natural environment. The policies of the PPS represent minimum standards and the PPS recognizes and expects Planning authorities and decision-makers to go beyond these minimum standards to address matters of importance to their community, as long as doing so does not conflict with any policy of the PPS. The policies of the PPS are expected to be complemented by City generated policies and plans regarding matters of interest to the City such as protecting the Aquifer.

The Clean Water Act regulates the municipal drinking water system and addresses Intake Protection Zones and *recognizes that the people of Ontario are entitled to expect their drinking water to be safe*. The Niagara Peninsula Source Protection Plan, and the City's OP and Zoning By-law (ZBL) establish levels of protection for identified intake protection zones for the City's urban drinking water system but, presently there are no policies for private water supply for rural residents. The issue being the Aquifer is not

privately owned and is accessible to the public. The current Regional Official Plan calls on the City to develop and adopt Local Official Plans and Secondary Plans containing more detailed environmental policies in conformity with Provincial and Regional policies and Plans.

The City is responsible for its local water distribution network and local sewer collection system so it should also be responsible for protecting the City's rural source of water the Aquifer. The *Niagara Peninsula Conservation Authority's*, Niagara Drinking Water Source Protection Plan States "We all need and deserve safe drinking water and, in this regard, it is in everyone's interest to ensure that our drinking water is safe and secure".

I am requesting that Council approve the following motion;

That Council recognizes the Aquifer as identified in Schedule B3 of the Official Plan as a source water for the rural residents of the City; and

That the Director of Planning and Development be directed to amend the Official Plan to include the Aquifer such that the Aquifer receives the same consideration and protection from susceptible threats of contamination or adverse impact as the intake protection zones (IPZ-1 and IPZ-2); and

That the Region of Niagara, Township of Wainfleet, and Town of Fort Erie be notified of the City's action and be requested to pursue similar updates to their municipal planning documents in order to protect the aquifer.

Thank you for your consideration,

Harry Wells
Ward 4 Councillor



OFFICE OF THE MAYOR
CITY OF HAMILTON

September 8, 2020

Honourable Doug Ford
Premier of Ontario
Premier's Office, Room 281
Legislative Building
Queen's Park
Toronto, ON M7A 1A1

Honourable Doug Downey
Attorney General
Ministry of the Attorney General
McMurtry-Scott Building
720 Bay Street, 11th Floor
Toronto, ON M7A 2S9

Subject: **Amending the AGCO Licensing and Application Process for Cannabis Retail Stores to Consider Radial Separation from Other Cannabis Locations**

Dear Premier & Attorney General,

Hamilton City Council, at its meeting held on August 21, 2020, approved a motion, Item 6.1, which reads as follows:

WHEREAS in late 2019 the Province of Ontario announced that the AGCO had been given regulatory authority to open the market for retail cannabis stores beginning in January 2020, without the need for a lottery;

WHEREAS the AGCO has continued to send Cannabis Retail Store applications to the City of Hamilton for the required 15-day comment period,

WHEREAS the City has reviewed 61 Cannabis Retail Store applications for comment since January 2020;

WHEREAS the AGCO does not take into consideration radial separation for Cannabis Retail Stores.

THEREFORE, BE IT RESOLVED:

.../3

18-87

- (a) That the Mayor contact the Premier of Ontario, Ministry of Attorney General, and local Members of Parliament to ask that the Province consider amending its licensing and application process for Cannabis Retail Stores to consider radial separation from other cannabis locations.
- (b) That the request be sent to other municipalities in Ontario, including the Association of Municipalities of Ontario for their endorsement.
- (c) That Staff be requested to submit heat maps outlining the location of all proposed AGCO Cannabis Retail Store in the City on all AGCO Cannabis Retail Store applications.

As per the above, we write to request, on behalf of the City of Hamilton, that the appropriate legislative and regulatory changes be made and implemented to the AGCO licensing and application process to take into consideration radial separation for Cannabis Retail Stores as a condition of approval for a license.

Currently the City of Hamilton has reviewed 61 cannabis retail location applications since January 2020. Approximately 12 of these potential locations are within 50m (or less) of each other.

The City of Hamilton appreciates that the AGCO conducts a background search prior to approving any licenses, however the lack of separation between locations poses a community safety issue, as the over saturation in specific area(s)/wards, can negatively impact the surrounding community with increased traffic flow, and an overall "clustering" of stores within a small dense area.

The City of Hamilton is confident that radial separations from cannabis retail locations will have a significant positive impact on the community and allow for its residents to continue to enjoy a safe and healthy community lifestyle.

Sincerely,



Fred Eisenberger
Mayor

C: Hon. Donna Skelly, MPP, Flamborough-Glanbrook

Hon. Andrea Horwath, Leader of the Official Opposition, MPP, Hamilton Centre
Hon. Paul Miller, MPP, Hamilton East-Stoney Creek
Hon. Monique Taylor, MPP, Hamilton Mountain
Hon. Sandy Shaw, MPP, Hamilton West-Ancaster-Dundas



4800 SOUTH SERVICE RD
 BEAMSVILLE, ON L0R 1B1
 905-563-8205

November 17, 2020

SENT VIA EMAIL

Region of Niagara
 1815 Sir Isaac Brock Way
 P.O. Box 1042
 Thorold, ON L2V 4T7

Attention: Ann-Marie Norio, Regional Clerk

**RE: PUBLIC HEALTH MEASURES RE: ONTARIO COVID-19 RESPONSE
 FRAMEWORK**

Please be advised that Council for the Corporation of the Town of Lincoln passed the following resolution on November 16, 2020:

Moved by: Mayor Sandra Easton
 Seconded by: Councillor Adam Russell

WHEREAS, recently, there have been decisions made by the Province and Niagara Public Health that saw Niagara move into the 'Orange-Restrict' level, as per the Ontario COVID-19 Response Framework; and

WHEREAS, we are supportive of public health measures to keep our community safe, and recognize that there are members of our business community that are calling for greater transparency in how these decisions are made, and the data that is being used to support these decisions; and

WHEREAS, we must strike a balanced approach to combatting COVID-19, while ensuring our local economy remains open, with appropriate restrictions put in place to protect our community and especially our most vulnerable citizens; and

WHEREAS, small business is a large economic driver of our community, employing our friends and neighbours, and has already seen a significant reduction in business since the start of the pandemic.

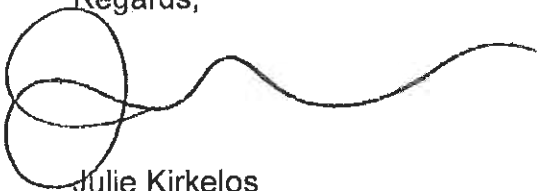
20-64

THEREFORE, BE IT RESOLVED THAT:

1. Niagara Region Public Health prepare a full report to all Regional elected officials, and that be shared with LAM's, including in that report as much data as possible on the decision-making process; and
2. That the focus of restrictions, either under the Section 22 order, or otherwise, review the dining-out to household only restrictions and that this be reviewed on a weekly basis.

CARRIED

Regards,

A handwritten signature in black ink, consisting of a large, stylized loop followed by a wavy line extending to the right.

Julie Kirkelos
Town Clerk
jkirkelos@lincoln.ca

cc: Local Area Municipal Clerks, sent via email
Members of Niagara Regional Council
Niagara Region Public Health



250 Thorold Road West, 3rd Floor, Welland, Ontario L3C 3W2
 Telephone 905.788.3135 | Facsimile 905.788.1121 | www.npca.ca

November 16, 2020

Mayor Campion and Council
 60 East Main Street
 Welland, ON
 L3B 3X4

Dear Mayor Campion and Council,

RE: Changes to Conservation Authorities Act and Conservation Authorities' Role in Land Use Planning

The Niagara Peninsula Conservation Authority (NPCA) has been keeping the environment, people and property of our watershed safe from natural hazards for the past 61 years with a mandate to further the conservation, restoration, development and management of natural resources across Niagara, Hamilton and Haldimand watersheds. Collaboration with NPCA's municipal partners has been a critical factor in our collective success on the ground.

Schedule 6 of Bill 229, proposes amendments which we believe have the potential to add significant delays in the planning and permitting process, add costs and have the potential for significant impacts on our collective ability to provide flooding and natural hazards management/protection and drinking water protection to our communities. The proposed changes also appear contrary to the Special Advisor's Report on Flooding and Ontario's Flooding Strategy, as well the 2018 Special Audit of NPCA by the Office of the Auditor General of Ontario (OAGO).

During the Pandemic, NPCA experienced an increase in illegal activities on our lands and regulated areas. In regards to our enforcement functions, conservation authorities must rely on their municipal partners to assist with stop orders under municipal by-laws or the Building Code, when appropriate. This puts undue stress on municipalities to provide services to the conservation authorities (CA's). Major offences result in unnecessary costs to conservation authority and municipal budgets, as well as to the taxpayers/property owners for damages.

Under the proposed changes, if applicants are not satisfied with decisions made by the Hearing Boards (CA Board of Directors or Executive), then applicants can now appeal directly to the Minister or to the Local Planning Appeal Tribunal (LPAT). These changes could add significant delays and more costs for developers, municipalities, conservation authorities and the Province to manage the excessive appeal system.

Over the past few years, we have invested heavily in implementing measures for the highest standards of customer service for our residents. We have also invested significantly on improved governance based on the Auditor General's recommendations. We believe that Board appointments remain the decision of the municipality in consultation with conservation authorities. We have made great strides and seek your support to ensure that we will be able to continue to build on our successes.

We are writing to seek the endorsement from our municipal partners through adoption of appropriate resolution. (A sample resolution is attached for your consideration.) We request your support in encouraging the Province of Ontario to work with conservation authorities to address

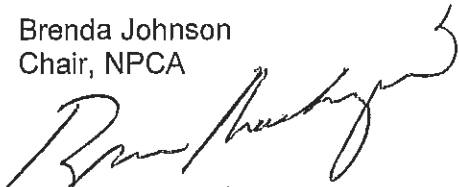
their concerns and to repeal or amend changes to the *Conservation Authorities Act* and the *Planning Act*.

For any questions, or clarity on these matters kindly contact CAO, Chandra Sharma at csharma@npca.ca or 905-788-3135.

Respectfully,

A handwritten signature in cursive script that reads "Brenda Johnson".

Brenda Johnson
Chair, NPCA

A handwritten signature in cursive script that reads "Bruce MacKenzie".

Bruce MacKenzie
Vice Chair, NPCA

Proposed Resolution for Municipalities

WHEREAS the Province has introduced Bill 229, Protect, Support and Recover from COVID 19 Act - Schedule 6 – Conservation Authorities Act;

WHEREAS the Legislation introduces a number of changes and new sections that could remove and/or significantly hinder the conservation authorities' role in regulating development, and engaging in review and appeal of municipal planning applications:

WHEREAS we rely on the watershed expertise provided by local conservation authorities to protect residents, property and local natural resources on a watershed basis by regulating development and engaging in reviews of applications submitted under the *Planning Act*;

WHEREAS the changes allow the Minister to make decisions without CA watershed data and expertise;

WHEREAS the Legislation suggests that the Minister will have the ability to establish standards and requirements for non-mandatory programs which are negotiated between the conservation authorities and municipalities to meet local watershed needs;

WHEREAS municipalities require a longer transition time to put in place agreements with conservation authorities for non-mandatory programs;

WHEREAS municipalities believe that the appointment of municipal representatives on CA Boards should be a municipal decision; and the Chair and Vice Chair of the CA Board should be duly elected;

WHEREAS the changes to the 'Duty of Members' contradicts the fiduciary duty of a CA board member to represent the best interests of the conservation authority and its responsibility to the watershed;

WHEREAS conservation authorities have already been working with the Province, development sector and municipalities to streamline and speed up permitting and planning approvals through Conservation Ontario's Client Service and Streamlining Initiative;

WHEREAS changes to the legislation will create more red tape and costs for the conservation authorities, and their municipal partners, and potentially result in delays in the development approval process;

AND WHEREAS municipalities value and rely on the natural habitats and water resources within our jurisdiction for the health and well-being of residents; municipalities value the conservation authorities' work to prevent and manage the impacts of flooding and other natural hazards; and municipalities value the conservation authority's work to ensure safe drinking water;

THEREFORE, BE IT RESOLVED:

1. **THAT** the Province of Ontario work with conservation authorities to address their concerns by repealing and/or amending changes to the *Conservation Authorities Act* and the *Planning Act*.
2. **THAT** the Province of Ontario delay enactment of clauses affecting municipal concerns.
3. **THAT** the Province of Ontario provide a longer transition period up to December 2022 for non-mandatory programs to enable coordination of CA-municipal budget processes.
4. **THAT** the Province respect the current conservation authority/municipal relationships.
5. **AND THAT** the Province embrace their long-standing partnership with the conservation authorities and provide them with the tools and financial resources they need to effectively implement their watershed management role.



Report To: Board of Directors

Subject: Bill 229 Proposed Amendments to the Conservation Authorities Act

Report No: FA-63-20

Date: November 19, 2020

Recommendation:

WHEREAS Bill 229, Protect, Support and Recover from COVID 19 Act -Schedule 6 – Conservation Authorities Act introduces changes and new sections that could significantly impact conservation authorities' mandate of watershed-based natural resource management; alter good governance standards recommend by Ontario's Auditor General; and weaken NPCA's ability to serve its municipal partners and communities in the protection from natural hazards and conserving natural resources through its planning, permitting and enforcement activities;

WHEREAS the proposed amendments have the potential to add significant delays in the planning and permitting process, add costs for all parties involved, and ultimately have the potential for significant impacts on Province's ability to provide flooding and natural hazards management contrary to the Special Advisor's Report on Flooding and Ontario's Flooding Strategy;

WHEREAS NPCA has already made significant investments to establish a very high standard of governance, transparency, accountability and progressive enforcement based on the Ontario Auditor General's recommendations and streamlining our permitting and land use planning reviews through Conservation Ontario's Client Service and Streamlining Initiative;

WHEREAS NPCA and other Conservation Authorities take pride in being a science-based community-focused delivery partner to the Province and municipalities for over seven decades in supporting sustainable growth and green economy for the future of Ontario's taxpayers;

THEREFORE, BE IT RESOLVED:

1. **THAT** the NPCA Board of Directors **REQUESTS** the Government of Ontario to remove the proposed Schedule 6 from Bill 229 and continue to work with conservation authorities on regulations proposed under previous Bill 108 to achieve desired improvements in the planning process.
2. **AND FURTHER THAT** the attached draft letter **BE FINALIZED** for signature by the Chair and Vice Chair and **BE SENT** to the Premier, Minister of Environment, Conservation and Parks, the Minister of Natural Resources and Forestry, the Minister of Municipal Affairs and Housing, the Minister of Finance, the Auditor General; partner municipalities, and Conservation Ontario.

Purpose:

The purpose of this report is to update the Board on proposed changes to the Conservation Authorities Act. These changes form Schedule 6 of Bill 229, which is the Protect, Support and Recover from COVID-19 Act (Budget Measures).

Background:

Bill 229 was introduced on November 5, 2020 as part of the Ontario Budget and proposes changes to a number of different pieces of legislation. Among those is the Conservation Authorities Act (CAA). As the changes to the CAA are part of the proposed Budget, there is no consultation period.

The proposed changes are significant and cover multiple sections of the CAA, including areas that are unproclaimed. Details of proposed changes were provided by Conservation Ontario and are attached as Appendix 1. A brief overview of the key changes proposed is as follows:

- Require Conservation Authority (CA) Boards be comprised of members from municipal councils;
- Remove an unproclaimed section that would have allowed the Province to prescribe Board member skills and qualifications;
- New requirement for Board members to act honestly and in good faith and, in the case of the members appointed by participating municipalities, shall generally act on behalf of their respective municipalities;
- Require that the Chair/Vice-Chair positions are one year in duration and that no member may sit in those positions for more than two consecutive terms;
- Allowing for the Minister (unclear if Minister of Natural Resources and Forestry or Environment, Conservation and Parks) to appoint a member of the CA Board from the Agricultural sector;
- Remove reference to “further the conservation, restoration, development and management of natural resources” from the Objects of a CA;
- Remove the ability of CAs to expropriate land;
- Revising the unproclaimed Sections of the CAA that pertain to the programs and services provided by a CA to require some programs and services to be prescribed through Regulation;
- Add the ability for a Permit applicant to appeal the Permit fees;
- Add (to an unproclaimed Section) the ability for the Minister to appoint an Administrator of the CA following an investigation to the CA's operations;
- Ability of a Permit applicant to appeal a CA's lack of decision after 120 days to the Local Planning Appeal Tribunal (LPAT);
- Ability to request the Minister review a CA's decision on a Permit application;
- Ability to appeal a CA's decision on a Permit application to the LPAT;
- Gives the Minister the ability to issue Permits (Minister's Order);
- Modification to the Planning Act that will remove a CA's ability to appeal an approval authority's decision to the LPAT;
- Modification to the requirements for entry onto property for compliance/enforcement purposes; and
- Removal of the unproclaimed section that would have allowed CAs the ability to issue stop-work orders.

A webinar was held by the Ministry of Environment, Conservation and Parks (MECP) on November 9, 2020 with staff from Conservation Ontario and Ontario's 36 Conservation Authorities. This was an opportunity to ask questions of MECP staff about the proposed changes. There was little new information provided but MECP staff confirmed that there will be a draft Regulation on CA programs and services circulated for review later this Fall. Ministry staff advised that details about transition for the new changes will follow in the future and, in some cases, be detailed through future Regulations.

As of November 16, 2020, Bill 229 was to be considered for Second Reading by the Ontario Legislature. The posting for the proposed changes to the CAA can be found at: <https://ero.ontario.ca/notice/019-2646>.

Discussion:

The changes contemplated under Bill 229 are significant to not only the NPCA but to all CAs. NPCA staff have been working to understand the full implications of the proposed changes, however, much remains unknown until further Regulations are developed or more details provided by the Province.

NPCA supports the changes made to enhance the transparency and accountability of conservation authorities. Changes proposed have already been implemented to provide highest level of customer service standards and transparency to our communities. However, several amendments are contrary to the recommendations in the 2018 Auditor General's (AG) Report on the NPCA Audit.

Governance

The proposed governance model seems to be unprecedented (against standards of good governance) and potentially unworkable in practice.

The standards of care for directors are set out under the Business Corporations Act: *"Every director and officer of a corporation in exercising his or her powers and discharging his or her duties to the corporation shall, (a) act honestly and in good faith with a view to the best interests of the corporation....; and (b) exercise the care, diligence and skill that a reasonably prudent person would exercise in comparable circumstances"*.

The proposed changes are contrary to the fiduciary responsibilities of a public body and challenges the purpose of CAs to address watershed issues that transcend municipal boundaries. The Auditor General in her Audit recommended that the Ministry of the Environment, Conservation and Parks clarify board members' accountability to the CA, to which the ministry response was in agreement.

Additionally, NPCA's community appointed members bring a diverse range of expertise and skill set to the current Board. The proposed amendments are of concern to both NPCA and our partner municipalities as municipalities will no longer be able to appoint a member of the public to the Board and the specification of 'municipal councilor' rather than "municipally elected official" may exclude Mayors.

Over the past two years, NPCA has invested significant time and resources to successfully deliver on the Auditor General's recommendations specifically related to strengthening the NPCA's Governance as well as Planning and Enforcement functions. Staff are concerned that the proposed changes would be a step back for CAs and undo this work. At the time of drafting this report staff were in the process reaching out to the AG's office for direction.

Mandate of CA (Objects Powers and Duties Section 20 and 21 of CAA)

The proposed changes to a CA's mandate are problematic. CAs are resource management agencies and have a long history of studying and understanding our watersheds. This has significantly assisted our municipal partners in their work, particularly around Land Use Planning, in understanding priority areas for protection and restoration. We also provide residents of our watershed with important programs for restoration that is not provided by any other level of government. Removal of the Natural Resource Mandate of CAs as stated in Section 20 opens the door for the Province to scale back the important work of CAs such as watershed-scale monitoring, data collection management and modelling; watershed-scale studies, plans, assessments and strategies; and watershed-wide actions including stewardship, communication, outreach and education activities that protect our environment on a watershed basis. CAs will now have to rely on the Province to include these functions specifically in a Regulation.

Planning and Permitting (Section 28 CAA)

CA's have a critical role in protecting lives and property from natural hazards and we achieve that through our permit process and our involvement in municipal Land Use Planning. The proposed amendments will limit a CA's ability to undertake non-partisan, transparent, and technically sound decision making and will allow individuals to circumvent the technical CA permitting process.

The MECP has indicated that the proposed changes around appeals being heard by the LPAT is intended to make the Permit process more efficient. NPCA staff are concerned that given the appeal periods specified in the proposed changes combined with the amount of time it takes to go through an appeal at the LPAT, this will have the opposite effect on Permit timelines. In addition, where the Minister issues an order to make a decision on a Permit application, it is not clear how decisions would be made and if watershed context, or CA Board of Directors' approved regulatory policies will be regarded. CA staff provide evidence-based expertise on a diverse range of technical issues including, water resources engineering, environmental planning and ecology, necessary for sound decision making. It is not clear who will provide this advice to the Minister in making these decisions. This process may be perceived as lacking transparency.

For the reasons stated above, the proposed changes will result in increased legal costs to CA's municipalities, and/or all Permit applicants. Staff will end up spending a significant amount of time preparing for and attending unnecessary LPAT hearings and will lead to a more burdensome, litigious and adversarial process. This will set back the Client Service improvements undertaken by CA's in the past few years.

The Mining and Lands Tribunal has the case law history and experience in adjudicating CAA cases. It is not clear what support will be available to LPAT members to be able to provide timely, consistent and sound decisions.

Finally, the proposed changes would see the removal of the unproclaimed Section that would have enabled a Stop-Work Order for enforcement purposes. This tool was recently added to the legislation (2019), after years of debate, to enable CAs to immediately stop activities which could cause high risk to life and property and environmental damage and allow time for a negotiated resolution of the matter. This is a major setback as CA's would continue to lack the legal authority to require a person committing a violation to cease. The violation could continue while the CA is investigating, leaving the only recourse for the CA to be to seek a court injunction.

Land Use Planning

The loss of the right of appeal for a CA on Land Use Planning decisions is concerning. This creates the potential for decisions contrary to CA Regulations or hazard mandate being left unchallenged. It would also mean that a CA could be in a position where a Permit cannot be issued for a project authorized by a municipality. This would add considerable delays for developers and runs contrary to streamlining CA roles in Permitting and Land Use Planning.

This change is also of significant concern for NPCA as a Landowner as it takes away NPCA's right to appeal planning decisions as a landowner when infrastructure or other activities may be proposed on CA lands.

The 2019 Provincial Flood Advisor's report noted the important role that CAs play in the Land Use Planning process. The main legislative tools used to manage flood risk, the report states, include the Planning Act together with the Provincial Policy Statement (PPS) and the CAA. As a result of the Flood Advisor's recommendations, the 2020 PPS was revised to state that mitigating natural hazard risks, including those associated with climate change, will require the province, planning authorities, and conservation authorities to work together. This change may also limit future ability of CA's to address extreme weather and climate change issues.

Transition Provisions

NPCA staff have learned that the expected transition period for the implementation of municipal MOUs would be one year, such that the changes would take effect January 2022 budget year.

This timeline is seriously problematic as Regulations may only be finalized in mid-year 2021 leaving inappropriate amount of time to finalize MOUs and address program changes in 2022 budgets. NPCA's partners municipalities may also not be able to meet this timeframe.

NPCA Advocacy and Communication Activities

- Letter to the Premier, Ministers of Municipal Affairs and Housing, Natural Resources and Forestry, and Environment, Conservation and Parks, as well as the Auditor General (Appendix 2)
- A media statement and subsequent media release issued
- Letters have been sent to all to NPCA partnering municipalities to ask for their endorsement (Appendix 3)
- Chair, Vice Chair and CAO met both MPP Skelly and Oosterhoff to discuss our concerns and next steps.
- Letters have been sent to all area MPPs (Appendix 4)
- CAO, Chair and Vice Chair are also entertaining Media inquiries.
- Key messages are being distributed through various media platforms.

NPCA's Public Advisory Committee is being updated on a regular basis and NPCA is working closely with Conservation Ontario and neighboring conservation authorities.

Financial Implications:

The proposed changes to the CAA, specifically to a CA's mandate, will have significant future budget implications and increased financial costs resulting from delays and legal actions. The full financial

implications of these changes will not be known until we see the proposed Regulation for CA programs and services, which is supposed to be available for comment this Fall.

Related Reports and Appendices:

- Appendix 1 – Summary of Proposed Amendments to the Conservation Authorities Act & Planning Act through Bill 229 and Implications
- Appendix 2 – Draft Letter to the Premier, Ministers and Auditor General
- Appendix 3 – Example of Municipal Letter
- Appendix 4 – Example of MPP letter

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**Summary of Proposed Amendments to the *Conservation Authorities Act*
& *Planning Act* through Bill 229 and Implications**

Description of Proposed Amendments	Implications to Conservation Authorities
<p>Existing aboriginal or treaty rights</p> <p>Section 1 is amended to include a non-abrogation clause with respect to aboriginal and treaty rights.</p>	<p>No concern.</p>
<p>Members of authority</p> <p>Section 14 is amended to ensure that the members of a conservation authority that are appointed by participating municipalities are municipal councillors. The Minister is given the authority to appoint an additional member to a conservation authority to represent the agricultural sector. The powers to define in regulation the composition, appointment or minimum qualifications for a member of the Board have been repealed. The duties of a member are amended, every member is to act honestly and in good faith and shall generally act on behalf of their respective municipalities.</p>	<p>There may be a municipal concern. Municipalities will no longer be able to appoint a member of the public to the Board and the specification of ‘municipal councillor’ rather than “municipally elected official” may exclude Mayors.</p> <p>There may be a municipal concern. Should the Minister choose to appoint a member to represent the agricultural sector it is assumed that candidates would apply through the Public Appointments Secretariat. It is also assumed that these appointments would have the same voting privileges as all members and would be entitled to receive per diems and to be appointed as the chair or vice-chair.</p> <p>There may be a municipal concern. There is no opportunity to manage these legislative amendments through the regulations process as Bill 229 has removed the ability to prescribe by regulation, the composition, appointment, or qualifications of members of CAs.</p> <p>Significant concern. The amendment that would require members to act on behalf of their respective municipalities contradicts the fiduciary duty of a Board Member to represent the best interests of the corporation they are overseeing. It puts an individual municipal interest above the broader watershed interests further to the purpose of the Act.</p>

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Description of Proposed Amendments	Implications to Conservation Authorities
<p>Meetings of authorities</p> <p>Section 15 is amended to require that meeting agendas be available to the public before a meeting takes place and that minutes of meetings be available to the public within 30 days after a meeting. They are to be made available to the public online.</p>	<p>No concern. CA Administrative By-Laws were completed by the December 2018 legislated deadline and, as a best practice, should already address making key documents publicly available; including meeting agendas and meeting minutes.</p>
<p>Chair/vice-chair</p> <p>Section 17 is amended to clarify that the term of appointment for a chair or vice-chair is one year and they cannot serve for more than two consecutive terms.</p>	<p>There may be a municipal concern. Municipal Councillor interest and availability regarding this requirement is to be determined.</p>
<p>Objects</p> <p>Section 20 objects of a conservation authority are to provide the mandatory, municipal or other programs and services required or permitted under the Act and regulations.</p>	<p>No concern. Previously the objects of an authority were to undertake programs and services designed to further the conservation, restoration, development and management of natural resources. This is still reflected in the Purpose of the Act. The objects now reference the mandatory and non-mandatory programs and services to be delivered. The “other programs and services” clause indicates that “an authority may provide within its area of jurisdiction such other programs and services as the authority determines are advisable to further the purposes of this Act”.</p>
<p>Powers of authorities</p> <p>Section 21 amendments to the powers of an Authority including altering the power to enter onto land without the permission of the owner and removing the power to expropriate land.</p>	<p>No concern</p>
<p>Programs and Services</p> <p>Section 21.1 requires an authority to provide mandatory programs and services that are prescribed by regulation and meet the requirements set out in that section. Section 21.1.1 allows authorities to enter into agreements with participating municipalities to provide programs and services on behalf of the municipalities, subject to the regulations.</p>	<p>Significant concern. The basic framework of mandatory, municipal and other program and services has not changed from the previously adopted but not yet proclaimed amendments to the legislation. What has now changed is that municipal programs and services and other programs and services are subject to such standards and requirements as may be prescribed by regulation. Potentially the regulations could</p>

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Description of Proposed Amendments	Implications to Conservation Authorities
<p>Section 21.1.2 would allow authorities to provide such other programs and services as it determines are advisable to further the purposes of the Act, subject to the regulations.</p>	<p>restrict what the Authority is able to do for its member municipalities or to further the purpose of the Act.</p>
<p>Agreements for ‘other programs and services’</p> <p>An authority is required to enter into agreements with the participating municipalities in its jurisdiction if any municipal funding is needed to recover costs for the programs or services provided under section 21.1.2 (i.e. other program and services). A transition plan shall be developed by an authority to prepare for entering into agreements relating to the recovery of costs. <i>*All programs and services must be provided in accordance with any prescribed standards and requirements.* NOTE- this new addition is addressed as a significant concern under Programs and Services above.</i></p>	<p>Potential concern. This appears to be a continuation of an amendment previously adopted but not yet proclaimed. MECP staff indicate that the current expectation is that the plan in the roll-out of consultations on regulations is that the Mandatory programs and services regulation is to be posted in the next few weeks. It is noted that this will set the framework for what is then non-mandatory and requiring agreements and transition periods. MECP staff further indicated “changes would be implemented in the CA 2022 budgets” which is interpreted to mean that the Transition period is proposed to end December 2021. Subject to the availability of the prescribed regulations this date is anticipated to be challenging for coordination with CA and municipal budget processes.</p>
<p>Fees for programs and services</p> <p>Section 21.2 of the Act allows a person who is charged a fee for a program or service provided by an authority to apply to the authority to reconsider the fee. Section 21.2 is amended to require the authority to make a decision upon reconsideration of a fee within 30 days. Further, the amendments allow a person to appeal the decision to the Local Planning Appeal Tribunal or to bring the matter directly to the Tribunal if the authority fails to render a decision within 30 days.</p>	<p>Some concern. Multiple appeals of fees have the potential to undermine CA Board direction with regard to cost recovery and to divert both financial and staff resources away from the primary work of the conservation authority.</p>
<p>Provincial oversight</p> <p>New sections 23.2 and 23.3 of the Act would allow the Minister to take certain actions after reviewing a report on an investigation into an authority’s operations. The Minister may order the authority to do anything to prevent or remedy non-compliance with the Act. The Minister may also recommend that the Lieutenant Governor in Council</p>	<p>No concern. This appears to be an expansion of powers previously provided to the Minister.</p>

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Description of Proposed Amendments	Implications to Conservation Authorities
<p>appoint an administrator to take over the control and operations of the authority.</p>	
<p>Ministerial Review of Permit Decisions</p> <p>Subsection 28.1 (8) of the Act currently allows a person who applied to a conservation authority for a permit under subsection 28.1 (1) to appeal that decision to the Minister if the authority has refused the permit or issued it subject to conditions. Subsection 28.1 (8) is repealed and replaced with provisions that allow the applicant to choose to seek a review of the authority’s decision by the Minister or, if the Minister does not conduct such a review, to appeal the decision to the Local Planning Appeal Tribunal within 90 days after the decision is made. Furthermore, if the authority fails to make a decision with respect to an application within 120 days after the application is submitted, the applicant may appeal the application directly to the Tribunal.</p>	<p>Significant concern. These amendments provide two pathways for an applicant to appeal a decision of an Authority to deny a permit or the conditions on a permit. One is to ask the Minister to review the decision; the other is to appeal directly to the Local Planning Appeal Tribunal. Appeals brought through these processes will create additional workload for the Authority and increase the amount of time that a permit appeal process takes.</p> <p>New guidelines will need to be created to support the Minister and the LPAT in their decision-making processes. There is no reference to a complete application being submitted prior to the 120 day “clock” being started.</p>
<p>Minister’s Order Re. S. 28 Permit</p> <p>New section 28.1.1 of the Act allows the Minister to order a conservation authority not to issue a permit to engage in an activity that, without the permit, would be prohibited under section 28 of the Act. After making such an order the Minister may issue the permit instead of the conservation authority.</p>	<p>Significant concern. These powers appear to be similar to a Minister Zoning Order provided for under the <i>Planning Act</i>. Should the Minister decide to use these powers it is appears that the CA may be required to ensure compliance with the Minister’s permit.</p>
<p>Cancellation of Permits</p> <p>Section 28.3 of the Act is amended to allow a decision of a conservation authority to cancel a permit or to make another decision under subsection 28.3 (5) to be appealed by the permit holder to the Local Planning Appeal Tribunal.</p>	<p>Some concern. Some conservation authorities use the cancellation of a permit as part of their compliance approach; the ability to appeal to the LPAT will add 90 days to the process prior to a LPAT hearing taking place. Renders the tool ineffective if the permit holder decides to appeal.</p>
<p>Entry Without Warrant, Permit Application</p>	<p>Some concern. The changes are to amendments previously adopted but not proclaimed. For considering a permit application, the officer is now required to give reasonable notice to the owner and to the</p>

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Description of Proposed Amendments	Implications to Conservation Authorities
<p>Subsection 30.2 (permit application) of the Act sets out circumstances in which an officer may enter land within the area of jurisdictions of an authority. Those circumstances are revised.</p>	<p>occupier of the property, which may result in increased administrative burden for the CA. It also appears to remove the ability to bring experts onto the site.</p>
<p>Entry Without Warrant, Compliance</p> <p>Subsection 30.2 (compliance) of the Act sets out circumstances in which an officer may enter land within the area of jurisdictions of an authority. Those circumstances are revised.</p>	<p>Significant/Some concern. The revisions essentially undo any enhanced powers of entry found within the yet to be proclaimed enforcement and offences section of the Act. The result is that CAs essentially maintain their existing powers of entry, which are quite limited. Conservation authorities will likely have to rely on search warrants to gain entry to a property where compliance is a concern. Reasonable grounds for obtaining a search warrant cannot be obtained where the activity cannot be viewed without entry onto the property (i.e. from the road).</p>
<p>Stop (work) Order</p> <p>Section 30.4 of the Act is repealed. That section, which has not yet been proclaimed and which would have given officers the power to issue stop orders to persons carrying on activities that could contravene or are contravening the Act, is repealed.</p>	<p>Significant concern. This is an important enforcement tool that conservation authorities have been requesting for years. Without this tool, conservation authorities must obtain an injunction to stop unauthorized activities which represents a significant cost to the taxpayers.</p>
<p>Regulations Made By Minister and LGIC</p> <p>The regulation making authority in section 40 is re-enacted to reflect amendments in the Schedule.</p>	<p>No concern.</p>
<p>Throughout the legislation all references to the Mining and Lands Commissioner has been replaced with the Local Planning Appeal Tribunal</p>	<p>Some concern. The LPAT lacks the specialized knowledge that the MLT has with regard to S. 28 applications. There is also a significant backlog of cases at the LPAT.</p>
<p>Planning Act – Exclusion of CAs as Public Body</p> <p>Subsection 1(2) of the <i>Planning Act</i> is amended to remove Conservation Authorities as a public body under the legislation. Conservation</p>	<p>Significant concern. There is lack of clarity on the implications of this amendment.</p> <p>The intent of the amendment is to remove from conservation authorities the ability to appeal to LPAT any <i>Planning Act</i> decisions as a public body or to become a party to an appeal. Conservation</p>

Description of Proposed Amendments	Implications to Conservation Authorities
<p>authorities will not be able to independently appeal or become a party to an appeal as a public body at the LPAT.</p>	<p>authorities will instead be required to operate through the provincial one window approach, with comments and appeals coordinated through MMAH. Note that the one window planning system is typically enacted for the review of Official Plans and Official Plan Amendments. It is expected that conservation authorities will retain the ability to appeal a decision that adversely affects land that it owns however that has not been confirmed.</p>



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November 19, 2020

Honourable Doug Ford
 Premier of Ontario
 Room 281
 Legislative Building, Queen's Park
 Toronto, ON M7A 1A1

Dear Premier Ford,

RE: Bill 229 Schedule 6 - Changes to Conservation Authorities Act

The Niagara Peninsula Conservation Authority (NPCA) has been committed to keeping the environment, people and property of our watershed safe from natural hazards for the past 61 years with a mandate to further the conservation, restoration, development and management of natural resources in our watershed.

We are writing to express our extreme concern with regards to Schedule 6 of Bill 229. The proposed changes have a direct negative impact on decades of on-the-ground watershed planning, monitoring, and ecosystem management measures put in place to keep our residents safe from natural hazards and protect Ontario's precious natural resources for future generations. The need for investment in green space for the health and well being of our communities has been clearly exposed during the COVID Pandemic. Local CA's were challenged to deploy resources on the frontlines for the mental and physical well being of our communities.

NPCA appreciates the need for transparency and accountability. Over the past few years, we have invested heavily in implementing measures for the highest standards of customer service for our residents. For the NPCA, this work was initiated as the result of the 2018 Special Audit of NPCA by the Office of the Auditor General of Ontario (OAGO) and has been fully implemented. For most CA's, Administrative By-Laws are completed and already address these concerns including making key documents publicly available including; meeting agendas, meeting minutes, and annual audits.

We would like to stress that a majority of proposed amendments contained within Schedule 6 of Bill 229 are contrary to the spirit of Auditor Generals recommendations, against the basic standards of good governance, and disrespect watershed science and evidence-based planning decisions.

The proposed changes are contrary to the fiduciary responsibilities of a public body and challenges the purpose of CAs to address watershed issues that transcend municipal boundaries. The Auditor General, in her Audit, recommended that the Ministry of the Environment, Conservation and Parks clarify board members' accountability to the CA, to which the ministry responded in agreement.

Additionally, NPCA's community appointed members (as with all CA's community appointed members) bring a diverse range of expertise and skill set to the current Board. The proposed amendments are of concern to both NPCA and our partner municipalities as municipalities will no longer be able to appoint a member of the public to the Board. Also, the specification of 'municipal councillor' rather than "municipally elected official" may exclude Mayors.

The proposed changes to a CA's mandate are problematic. CAs are resource management agencies and have a long history of studying and understanding our watersheds. This has significantly assisted our municipal partners in their work, particularly around Land Use Planning, in understanding priority areas for protection and restoration. We also provide residents of our watershed with important programs for restoration that is not provided by any other level of government. Removal of the Natural Resource Mandate of CAs as stated in Section 20 opens the door for the Province to scale back the important work of CAs such as watershed-scale monitoring, data collection management and modelling; watershed-scale studies, plans, assessments and strategies; and watershed-wide actions including stewardship, communication, outreach and education activities that protect our environment on a watershed basis. CAs will now have to rely on the Province to include these functions specifically in a Regulation.

As you are also aware, CA's have a critical role in protecting lives and property from natural hazards and we achieve that through our Permit process and our involvement in municipal Land Use Planning. The proposed amendments will limit a CA's ability to undertake non-partisan, transparent, and technically sound decision making and will allow individuals to circumvent the technical CA permitting process.

The MECP has indicated that the proposed changes around appeals being heard by the LPAT is intended to make the Permit process more efficient. We are concerned that given the appeal periods specified in the proposed changes combined with the amount of time it takes to go through an appeal at the LPAT, this will have the opposite effect on Permit timelines. In addition, where the Minister issues an order to make a decision on a Permit application, it is not clear how decisions would be made and if watershed context, or CA Board of Directors' approved regulatory policies will be regarded. CA staff provide evidence-based expertise on a diverse range of technical issues including, water resources engineering, environmental planning and ecology, necessary for sound decision making. This newly proposed process may be perceived as lacking transparency.

For the reasons stated above, the proposed changes will result in increased legal costs to CA's municipalities, and/or all Permit applicants. Staff will end up spending significant amount of time preparing for and attending unnecessary LPAT hearings and will lead to a more burdensome, litigious and adversarial process. This will significantly set back the Client Service improvements undertaken by CA's in the past few years.

The Mining and Lands Tribunal has the case law history and experience in adjudicating Conservation Authorities Act cases. It is not clear what support will be available to LPAT members to be able to provide timely, consistent and sound decisions.

As presented, the proposed changes would see the removal of the unproclaimed Sections that would have enabled a Stop-Work Order for enforcement purposes. This tool was recently added to the legislation (2019), after years of debate, to enable CAs to immediately stop activities which could cause high risk to life and property and environmental damage and allow time for a negotiated resolution of the matter. This is a major setback as CA's would continue to lack the legal authority to require a person committing a violation to cease. The violation could continue while the CA is investigating leaving the only recourse for the CA to seek a court injunction thus further burdening an already overwhelmed legal system.

In the protection of life and property from natural hazards, the guidance Conservation Authorities generally follow is provided directly from the Province, if there is an issue with the way permitting decisions are being made by the CA's, then addressing the outdated guidance from the Province

would be somewhere to start. The current direction that has been taken by-passes the necessary work the Province needs to do to update the process and instead chooses to undermine the organization that is tasked with completing this work. This is extremely short-sighted, and it does not solve the underlying issues. The Province needs to make a commitment to begin to uphold their responsibility to provide adequate, clear, up-to-date and fair guidance to ensure that any decisions being made with respect to natural hazards, are done in the best interest of the Province of Ontario and ALL of the people that live here, political-interests and self-interests aside.

The loss of the right of appeal for a CA on Land Use Planning decisions is concerning. This creates the potential for decisions contrary to CA Regulations or hazard mandate being left unchallenged. It would also mean that a CA could be in a position where a Permit cannot be issued for a project authorized by a municipality. This would add considerable delays for developers and runs contrary to streamlining CA roles in Permitting and Land Use Planning.

This change is also of significant concern for NPCA as a Landowner as it takes away NPCA's right to appeal planning decisions as a landowner when infrastructure or other activities may be proposed on CA lands.

The 2019 Provincial Flood Advisor's report noted the important role that CAs play in the Land Use Planning process. This report states the main legislative tools used to manage flood risk include the Planning Act together with the Provincial Policy Statement (PPS) and the Conservation Authorities Act. As a result of the Flood Advisor's recommendations, the 2020 PPS was revised to state that mitigating natural hazard risks, including those associated with climate change, will require the province, planning authorities, and conservation authorities to work together. This change may also limit future ability of CA's to address extreme weather and climate change issues.

As such, the NPCA Board of Directors respectfully requests that the Government of Ontario remove the proposed Schedule 6 from Bill 229 and continue to work with Conservation Ontario and the 36 Conservation Authorities on regulations proposed under the previous Bill 108 to achieve the desired improvements within the Conservation Authorities Act.

Thank you for your kind consideration and understanding the urgency of this matter. For any questions, or clarity on these matters kindly contact CAO, Chandra Sharma at csharma@npca.ca or 905-788-3135.

Respectfully,

Brenda Johnson
Chair, NPCA

Bruce MacKenzie
Vice Chair, NPCA

Cc Bonnie Lysyk - Auditor General of Ontario
Honourable Steve Clark - Minister of Municipal Affairs and Housing
Honourable John Yakabuski – Minister of Natural Resources and Forestry
Honourable Jeff Yurek - Minister of the Environment, Conservation and Parks
Honourable Rod Phillips – Minister of Finance



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November 16, 2020

Mayor Hewitt and Council
 P.O. Box 400
 Cayuga, ON
 L8P 4Y5

Dear Mayor Hewitt and Council,

RE: Changes to Conservation Authorities Act and Conservation Authorities' Role in Land Use Planning

The Niagara Peninsula Conservation Authority (NPCA) has been keeping the environment, people and property of our watershed safe from natural hazards for the past 61 years with a mandate to further the conservation, restoration, development and management of natural resources across Niagara, Hamilton and Haldimand watersheds. Collaboration with NPCA's municipal partners has been a critical factor in our collective success on the ground.

Schedule 6 of Bill 229, proposes amendments which we believe have the potential to add significant delays in the planning and permitting process, add costs and have the potential for significant impacts on our collective ability to provide flooding and natural hazards management/protection and drinking water protection to our communities. The proposed changes also appear contrary to the Special Advisor's Report on Flooding and Ontario's Flooding Strategy, as well the 2018 Special Audit of NPCA by the Office of the Auditor General of Ontario (OAGO).

During the Pandemic, NPCA experienced an increase in illegal activities on our lands and regulated areas. In regards to our enforcement functions, conservation authorities must rely on their municipal partners to assist with stop orders under municipal by-laws or the Building Code, when appropriate. This puts undue stress on municipalities to provide services to the conservation authorities (CA's). Major offences result in unnecessary costs to conservation authority and municipal budgets, as well as to the taxpayers/property owners for damages.

Under the proposed changes, if applicants are not satisfied with decisions made by the Hearing Boards (CA Board of Directors or Executive), then applicants can now appeal directly to the Minister or to the Local Planning Appeal Tribunal (LPAT). These changes could add significant delays and more costs for developers, municipalities, conservation authorities and the Province to manage the excessive appeal system.

Over the past few years, we have invested heavily in implementing measures for the highest standards of customer service for our residents. We have also invested significantly on improved governance based on the Auditor General's recommendations. We believe that Board appointments remain the decision of the municipality in consultation with conservation authorities. We have made great strides and seek your support to ensure that we will be able to continue to build on our successes.

We are writing to seek the endorsement from our municipal partners through adoption of appropriate resolution. (A sample resolution is attached for your consideration.) We request your support in encouraging the Province of Ontario to work with conservation authorities to address

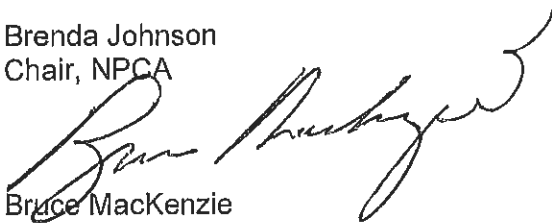
their concerns and to repeal or amend changes to the *Conservation Authorities Act* and the *Planning Act*.

For any questions, or clarity on these matters kindly contact CAO, Chandra Sharma at csharma@npca.ca or 905-788-3135.

Respectfully,



Brenda Johnson
Chair, NPCA



Bruce MacKenzie
Vice Chair, NPCA

Proposed Resolution for Municipalities

WHEREAS the Province has introduced Bill 229, Protect, Support and Recover from COVID 19 Act - Schedule 6 – Conservation Authorities Act;

WHEREAS the Legislation introduces a number of changes and new sections that could remove and/or significantly hinder the conservation authorities' role in regulating development, and engaging in review and appeal of municipal planning applications:

WHEREAS we rely on the watershed expertise provided by local conservation authorities to protect residents, property and local natural resources on a watershed basis by regulating development and engaging in reviews of applications submitted under the *Planning Act*;

WHEREAS the changes allow the Minister to make decisions without CA watershed data and expertise;

WHEREAS the Legislation suggests that the Minister will have the ability to establish standards and requirements for non-mandatory programs which are negotiated between the conservation authorities and municipalities to meet local watershed needs;

WHEREAS municipalities require a longer transition time to put in place agreements with conservation authorities for non-mandatory programs;

WHEREAS municipalities believe that the appointment of municipal representatives on CA Boards should be a municipal decision; and the Chair and Vice Chair of the CA Board should be duly elected;

WHEREAS the changes to the 'Duty of Members' contradicts the fiduciary duty of a CA board member to represent the best interests of the conservation authority and its responsibility to the watershed;

WHEREAS conservation authorities have already been working with the Province, development sector and municipalities to streamline and speed up permitting and planning approvals through Conservation Ontario's Client Service and Streamlining Initiative;

WHEREAS changes to the legislation will create more red tape and costs for the conservation authorities, and their municipal partners, and potentially result in delays in the development approval process;

AND WHEREAS municipalities value and rely on the natural habitats and water resources within our jurisdiction for the health and well-being of residents; municipalities value the conservation authorities' work to prevent and manage the impacts of flooding and other natural hazards; and municipalities value the conservation authority's work to ensure safe drinking water;

THEREFORE, BE IT RESOLVED:

1. **THAT** the Province of Ontario work with conservation authorities to address their concerns by repealing and/or amending changes to the *Conservation Authorities Act* and the *Planning Act*.
2. **THAT** the Province of Ontario delay enactment of clauses affecting municipal concerns.
3. **THAT** the Province of Ontario provide a longer transition period up to December 2022 for non-mandatory programs to enable coordination of CA-municipal budget processes.
4. **THAT** the Province respect the current conservation authority/municipal relationships.
5. **AND THAT** the Province embrace their long-standing partnership with the conservation authorities and provide them with the tools and financial resources they need to effectively implement their watershed management role.



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November 16, 2020

Wayne Gates
 MPP, Niagara Falls
 Constituency Office
 Unit 1
 6746 Morrison St.
 Niagara Falls, ON
 L2E 6Z8

Dear Mr. Gates,

RE: Changes to Conservation Authorities Act and Conservation Authorities' Role in Land Use Planning

The Niagara Peninsula Conservation Authority (NPCA) has been keeping the environment, people and property of our watershed safe from natural hazards for the past 61 years with a mandate to further the conservation, restoration, development and management of natural resources in our watershed.

We are writing to express our extreme concern about Bill 229. The proposed changes have a direct negative impact on decades of on-the-ground watershed planning, monitoring, and ecosystem management measures put in place to keep our residents safe from natural hazards and protect Ontario's precious natural resources for future generations. The need for investment in green space for the health and well being of our communities was clearly exposed during the COVID Pandemic. Local CA's were challenged to deploy resources on the frontlines for the well being of our communities.

NPCA appreciates the need for transparency and accountability. Over the past few years, we have invested heavily in implementing measures for the highest standards of customer service for our residents. For NPCA, this work was initiated as the result of 2018 Special Audit of NPCA by the Office of the Auditor General of Ontario (OAGO) and has been fully implemented. For most CA's, Administrative By-Laws are completed and already address these concerns including making key documents publicly available; including meeting agendas, meeting minutes, and annual audits.

We note that a majority of proposed amendments are contrary to the spirit of Auditor Generals recommendations, against the basic standards of good governance, and disrespect watershed science and evidence-based planning decisions. We respectfully state that:

1. Proposed changes to both the *Conservation Authorities Act* and the *Planning Act* risk watering down or losing the conservation authorities' science-based watershed approach which currently protects Ontario's environment.
2. Proposed changes will actually create more costs, delays and red tape around permit and planning applications and appeals.
3. Limiting Conservation Authorities ability to independently appeal decisions made around permits and municipal planning applications will put more people and infrastructure at risk of flooding and other natural hazards and add additional stressors to Ontario's biodiversity.

OUR ASKS

NPCA respectfully asks you to consider the impacts these proposed changes will have on the safety of your local environment, your constituents and their safety and we request:

1. That Province take a step back and rethink the provisions of Schedule 6. That the proposed Schedule 6 not be enacted in its present form. Ministry officials continue to work with CA's in good faith on regulations as proposed under previous Bill 108.
2. **Section 20 Mandate:** That the "Natural Resource Mandate" of CA's as stated in Section 20 be respected to allow for important work on watershed-scale monitoring, data collection management and modelling; watershed-scale studies, plans, assessments and strategies; and watershed-wide actions including stewardship, communication, outreach and education activities that protect our environment on a watershed basis.
3. **Planning Act Amendment:** That an amendment be made to limit appeals as a public body to conformity with section 3.1 (natural hazards) of the Provincial Policy Statement. Retain the ability of CAs as landowners to participate in appeals affecting their land.
4. **Section 28:** The proposed amendments to the Section 28 regulation will **negatively impact a CA's ability to protect life and property**, through limiting a CA's ability to independently apply their watershed science, allowing individuals to circumvent the CA permitting process and by tying up CA staff in unnecessary appeal processes. This proposal does not improve transparency, consistency in decision-making and nor does it streamline the process. In fact, this proposal will result in a significantly longer approval process which might jeopardize the health or safety of persons or result in the damage or destruction of property.
5. Amend or Specify in the legislation that the appeal for a non-decision after 120 days can only be made when the conservation authority has deemed the application to be complete.
6. Amend or Enact one of the three possible alternatives in its place: a) Develop provincial guidance that defines how to establish fees in consultation with municipal partners and other stakeholders. If the CA is not in compliance with the guidance, the Minister could make an order under S. 23 to amend the CA fees policy. B) Enable the fee policy to go through public consultation via the ERO or C) require the approval of the Minister of the CA fee policy to avoid multiple appeals regarding the same fee schedule. Remove the right of appeal to the LPAT.
7. Repeal. Conservation authorities' inability to stop work has a significant negative impact on public health and safety. Laying charges and obtaining court injunctions is unnecessarily costly for the taxpayers and the accused.
8. **Regulation making powers for prescribing standards and requirements for Non-Mandatory (i.e. Local) programs and services:** Repeal All clauses and amendments relating to the ability to prescribe standards and requirements (including repeal of Section 21.1.1(5), Section 21.1.2 Prescribed Standards, Section 21.1.2 (3) b) Terms and Conditions, and Section 21.1.2(4) Conflict; and Including amendment of i.e. deletion of references to regulations in Section 21.1.1(1), and, 21.1.2 (1).

9. **Governance 4a – Duty of Members:** Repeal the change to the 'Duty of Members' from furthering the objects of the authority to representing the interest of their municipality. It contradicts the fiduciary duty of a Board Member to represent the best interests of the corporation they are overseeing. It puts an individual municipal interest above the broader watershed interests further to the purpose of the Act. It basically undermines the ability of the CA Board to address the broader environmental/resource management issues facing our watersheds today. Discourse on these issues and consideration of programs and services that address watershed-wide issues that span municipal boundaries is paramount in a time of increasing climate change, etc.
10. **Member Appointments:** A number of amendments have been made regarding CA Board appointments. Of concern are new clauses that require municipalities to only appoint municipal councillors and that the Chair/Vice Chair rotate every two years between different municipalities.

There is no opportunity to manage these legislative amendments through the regulations process as Bill 229 has removed the ability to prescribe by regulation, the composition, appointment, or qualifications of members of CAs. Given the already identified regulatory consultations planned and the pressures from COVID exacerbating municipal councillors' time, respectfully request that proclamation of these governance changes be delayed for at least a few years. This would allow time for CA's to collaboratively work on the necessary policies to support effective Board governance.

We recommend that Board appointments should remain the decision of the municipality but there will be practical limitations for these new requirements to be met (e.g. some CAs have only one or a few municipalities in their jurisdiction; some have more than 50% citizen appointees).

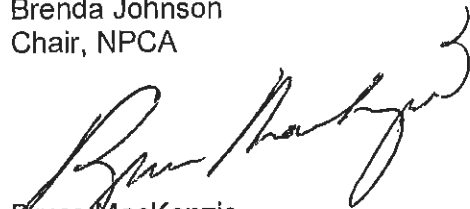
We request delay in proclamation until after regulations consultations are completed over the next number of years with appropriate parties.

Thank you for your kind consideration and understanding the urgency of this matter. For any questions, or clarity on these matters kindly contact CAO, Chandra Sharma at csharma@npca.ca or 905-788-3135.

Respectfully,



Brenda Johnson
Chair, NPCA



Bruce MacKenzie
Vice Chair, NPCA

Administration

Office of the Regional Clerk

1815 Sir Isaac Brock Way, PO Box 1042, Thorold, ON L2V 4T7

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www.niagararegion.ca

November 11, 2020

CL 20-2020, October 22, 2020
 PHSSC 9-2020, October 13, 2020
 PHD-C 9-2020, October 13, 2020

DISTRIBUTION LIST***SENT ELECTRONICALLY*****RE: PHD-C 9-2020**

**Referral of Motion – Decriminalization of Personal Possession of Illicit
 Drugs**

Regional Council, at its meeting held on October 22, 2020, passed the following recommendation of its Public Health and Social Services Committee:

WHEREAS governments around the world are considering different approaches to drugs, including the decriminalization of drug use and possession and legal regulation;

WHEREAS a growing number of health officials and boards of health throughout Ontario, Canada, and around the world are calling for changes to our approach to drugs, especially in the midst of the opioid crisis and COVID-19 pandemic, in which the contaminated, unregulated supply of illegal drugs is the main contributor to the crisis;

WHEREAS, in July 2020, the Canadian Association of Chiefs of Police released a report recognizing substance use disorder as a public health issue and agree that evidence, supported by numerous Canadian health leaders, suggests that decriminalization for simple possession is an effective way to reduce the public health and public safety harms associated with substance use;

WHEREAS the Canadian Association of Chiefs of Police endorse alternatives to criminal sanctions for simple possession of illicit drugs, and agree that increased community capacity and resources are necessary to support the availability and integration of health, social programs, and enforcement required for effective diversion;

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WHEREAS the Canadian Association of Chiefs of Police agree that police services remain committed to combatting organized crime and disrupting the supply of harmful substances coming into our communities by targeting drug trafficking and illegal production and importation, and further agree that diversion provides new opportunities to make positive impacts in communities. These impacts may include reducing recidivism, reducing ancillary crimes and improving health and safety outcomes for individuals who use drugs;

WHEREAS laws that criminalize people simply for using and possessing drugs have resulted in serious health and social harms, including forcing people into unsafe spaces and high-risk behaviours leading to HIV and HCV infection, resulting in criminal records that make it difficult to obtain employment and housing, and reinforcing negative stereotypes and judgements about people who use drugs;

WHEREAS some groups are more impacted by our drug laws than others, including people who are homeless and/or living in poverty, people with mental health and substance use issues, people from racialized groups, Indigenous people, women, and youth;

WHEREAS a public health approach to drugs would be based on principles and strategies that have been shown to support healthy individuals, families, and communities;

WHEREAS countries that have decriminalized personal drug use and possession and invested in public health interventions have seen results, including decreases in HIV and overdose, decreases in costs to the criminal justice system, and improved police/community relationships;

WHEREAS the evidence on the health and social harms of our current criminalization approach to illegal drugs as well as that of alternative approaches such as decriminalization and legal regulation strongly support the need to shift to a public health approach to drugs in Canada;

NOW THEREFORE BE IT RESOLVED:

1. That the federal government **BE URGED** to convene a task force, comprised of people who use drugs, family members, and policy, research and program experts in the areas of public health, human rights, substance use, mental health,

and criminal justice, to explore options for the legal regulation of all drugs in Canada, based on a public health approach;

2. That the task force **BE URGED** to scale up prevention, harm reduction, and treatment services and to explore the decriminalization of the possession of all drugs for personal use; and

3. That this motion **BE CIRCULATED** to Minister of Health Patty Hajdu, Minister of Justice and Attorney General of Canada David Lametti, the Canadian Association of Chiefs of Police, Deputy Premier and Minister of Health Christine Elliott, Attorney General Doug Downey, Niagara's MPs and MPPs, Niagara's 12 local area municipalities, Niagara Regional Police Service, the Association of Municipalities of Ontario, and the Association of Local Public Health Agencies.

Yours truly,



Ann-Marie Norio
Regional Clerk

CLK-C 2020-204

Distribution List:

The Honorable Patty Hajdu, Minister of Health
The Honourable David Lametti, Minister of Justice and Attorney General of Canada
MP Dean Allison, Niagara West
MP Chris Bittle, St. Catharines
MP Tony Baldinelli, Niagara Falls
MP Vance Badawey, Niagara Centre
Chief of Police Bryan Larkin, President, Canadian Association of Chiefs of Police
The Honourable Christine Elliott, Deputy Premier and Minister of Health
The Honourable Doug Downey, Attorney General
MPP Sam Oosterhoff, Niagara West
MPP Jennie Stevens, St. Catharines
MPP Wayne Gates, Niagara Falls
MPP Jeff Burch, Niagara Centre
Chief of Police, Bryan MacCulloch, Niagara Regional Police Service
Local Area Municipalities
Association of Municipalities of Ontario
Federation of Canadian Municipalities
Association of Local Public Health Agencies



AGENDA

SPECIAL COUNCIL MEETING FOLLOWED BY REGULAR COUNCIL MEETING

Tuesday, December 1, 2020

Due to COVID-19 and the closure of the Civic Square

All Electronic Meetings can be viewed at:

City of Welland website: <https://www.welland.ca/Council/LiveStream.asp>

YourTV: The meeting will be aired on channel 700 on December 3, 2020 at 8:00 p.m.

Page No.

6. A By-law to amend By-law 2016-104, being a By-law to delegate various Planning and Community Improvement Incentive Approvals to staff and to adopt certain procedures for the processing of Planning Applications subject to Delegated Authority. Ref. No. 11-108
(See Reports P&B-2020-53 and P&B-2020-54 from the October 13, 2020 Special Council Meeting).
7. A By-law to authorize expropriation of land by the Corporation of the City of Welland. Ref. No. 20-82
(Direction provided to proceed in Committee-of-the-Whole at the Committee-of-the-Whole meeting of July 7, 2020 - Report P&B-2020-18).
8. A By-law to exempt certain lands from Part-Lot Control - Parts 1 and 2 on Plan 59R-16823 (25 Parkway), City of Welland. Ref. No. 20-120
9. A By-law to exempt certain lands from Part-Lot Control - Parts 1 and 2 on Plan 59R-16806 (46-48 Topham Boulevard), City of Welland. Ref. No. 20-121